

EXHIBIT 2

**REDACTED VERSION OF
DOCUMENT SOUGHT TO BE
SEALED**

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

- - -

WAYMO, LLC,)
)
Plaintiff,)
)
vs.) No. 3:17-CV-00939
)
UBER TECHNOLOGIES; INC.;)
OTTOMOTTO, LLC; and OTTO)
TRUCKING, LLC,)
)
Defendants.)

ATTORNEYS' EYES ONLY - HIGHLY CONFIDENTIAL

The videotaped 30(b)(6) deposition of ERIC MEYHOFER, called as a witness by the Plaintiff, pursuant to notice and the Federal Rules of Civil Procedure pertaining to the taking of depositions, taken before me, the undersigned, Rebecca L. Schnur, Notary Public in and for the Commonwealth of Pennsylvania, at the offices of Reed Smith, LLP, 225 Fifth Avenue, Pittsburgh, Pennsylvania 15222, commencing at 9:20 a.m. on FRIDAY, AUGUST 18, 2017.

Job No. 2681788B
Pages 1 - 259

Page 1

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1	(Whereupon, Deposition Exhibit 877 was marked	09:22:46
2	for identification.)	09:22:46
3	Q. Okay. So I've placed in front of you two	09:22:46
4	documents, two exhibits, Exhibit 876, which is Waymo's	09:22:50
5	30(b)(6) notice to Uber --	09:22:54
6	A. Uh-huh.	09:22:57
7	Q. -- then an e-mail dated August 7 (sic), that	09:22:57
8	is marked as Exhibit 877.	09:22:59
9	Do you see that?	09:23:01
10	A. Yes, I do.	09:23:03
11	Q. Why don't we start actually with Exhibit 877.	09:23:04
12	Do you see your name listed?	09:23:08
13	A. Yes, I do.	09:23:09
14	Q. And it lists topics 1, 2, 3, 9, and 10. Do	09:23:10
15	you see that?	09:23:14
16	A. I see that.	09:23:14
17	Q. So if we can turn to Exhibit 876 and we can	09:23:15
18	go to the section of the document starting on page 6,	09:23:21
19	entitled "Deposition Topics" -- let me know when you're	09:23:24
20	there.	09:23:28
21	A. I'm there.	09:23:29
22	Q. Mr. Meyhofer, are you prepared to testify on	09:23:30
23	behalf of defendants Uber and Otto on behalf of -- for	09:23:33
24	topic number 1?	09:23:37
25	A. Yes, I am.	09:23:41

1 Q. You hesitated. Are you not sure? 09:23:44

2 A. Well, Uber and Otto, I'm just -- I was just 09:23:45

3 clarifying that I'm going to -- representing them both 09:23:48

4 because I thought we said earlier this was Uber, and 09:23:51

5 then this says Uber and Otto, but, yes. 09:23:53

6 Q. Okay. All right. So to reiterate, you are 09:23:56

7 prepared to testify on behalf of Uber and Otto with 09:24:01

8 regard to topic number 1? 09:24:04

9 A. Yes. 09:24:05

10 MR. HUME: If you could, just give me a 09:24:06

11 moment to object to each question. 09:24:07

12 When you say "Otto," are you referring to -- 09:24:09

13 I think it's a little unclear the way that -- I 09:24:13

14 mean, Uber now owns Ottomotto. 09:24:14

15 Q. Yeah. So if you look at the front of 09:24:19

16 Exhibit 876, you see it says it's Rule 30(b)(6) Notice 09:24:22

17 to Uber and Ottomotto. That's what I'm referring to. 09:24:24

18 A. Uh-huh. 09:24:29

19 Q. So if we can go to number 2, Mr. Meyhofer, 09:24:33

20 are you prepared to testify on behalf of the company 09:24:41

21 with regard to topic number 2 in Waymo's 30(b)(6) 09:24:43

22 notice? 09:24:47

23 A. Yes, I am. 09:24:48

24 Q. And this means you are prepared to testify on 09:24:49

25 behalf of Uber on the state and status of Uber's lidar 09:24:52

1 development for autonomous vehicles before 09:24:58
2 January 2016. Is that correct? 09:24:59
3 MR. HUME: I'm going to object to that 09:25:01
4 question. We have objections to this and stated, 09:25:02
5 I mean, a little more precisely what we were going 09:25:04
6 to produce Mr. Meyhofer to talk about, which is 09:25:09
7 development of Uber's lidar between January 2015 09:25:12
8 and January 2016. 09:25:17
9 Q. With that clarification from your counsel, 09:25:19
10 can you answer my question, please. 09:25:23
11 A. Yes, I am prepared. 09:25:25
12 Q. And the same for topic number 1, are you 09:25:28
13 prepared to testify on behalf of defendants Uber and 09:25:31
14 Ottomotto with regard to Anthony Levandowski's 09:25:35
15 involvement in the development of lidar on behalf of 09:25:39
16 Uber and Ottomotto? 09:25:42
17 A. Yes, I am. 09:25:44
18 Q. Topic number 3, you see that one? 09:25:47
19 A. Uh-huh. 09:25:50
20 Q. Are you prepared to testify on behalf of Uber 09:25:51
21 and Ottomotto for topic number 3? 09:25:53
22 A. I am. 09:25:56
23 Q. All right. We can go to topic number 9. Are 09:26:01
24 you prepared to testify on behalf of Uber and Otto with 09:26:05
25 regard to topic number 9? 09:26:08

1	A. I am.	09:26:09
2	Q. Are you prepared to testify on behalf of Uber	09:26:10
3	and Ottomotto with regard to topic number 10?	09:26:12
4	A. I am.	09:26:16
5	Q. Now, why don't we start with topic number 9.	09:26:23
6	What did you do to prepare to testify on behalf of the	09:26:26
7	company for topic number 9?	09:26:31
8	A. I requested from counsel a few documents that	09:26:36
9	are in this folder and I believe you've been provided.	09:26:39
10	I spoke with [REDACTED] who is the finance	09:26:43
11	person who would be most prepared to gather this sort	09:26:55
12	of information.	09:26:57
13	Q. Anything else?	09:27:02
14	A. Reviewed the documents, and then there was	09:27:04
15	also a spreadsheet that -- or a couple of spreadsheets	09:27:06
16	that were e-mailed over, that I reviewed as well.	09:27:11
17	Q. That counsel for Waymo e-mailed over?	09:27:15
18	A. No. They were prepared by [REDACTED]	09:27:19
19	Q. Anything else?	09:27:27
20	A. (No verbal response.)	09:27:29
21	Q. Sorry. You have to give audible answers.	09:27:30
22	A. I don't believe so, no.	09:27:33
23	Q. Before we go any further, what is your	09:27:36
24	current title?	09:27:39
25	A. I'm the head of the Advanced Technologies	09:27:40

Page 11

1 Q. What do you mean by "skip-level 09:29:30
2 communication"? 09:29:32

3 A. I'm sorry. Skip level -- two rings. So my 09:29:32
4 first ring would be my direct. My second ring would be 09:29:35
5 their directs. So keeping -- keeping tabs on the 09:29:39
6 leadership qualities that they have, making sure they 09:29:47
7 have the training that they need and that their careers 09:29:50
8 are growing in a way that matters so that they can 09:29:54
9 build this technology. 09:29:57

10 So it's important -- I don't -- as head, you 09:29:59
11 don't -- my responsibility is to build the team to 09:30:02
12 build the product. 09:30:05

13 Q. And you said "I don't" or "you don't," 09:30:09
14 meaning -- 09:30:10

15 A. I'm not responsible for -- I can't -- this 09:30:11
16 isn't a 20-person effort, and so I can't build a team 09:30:15
17 of 20 people and be intimate with everything they do 09:30:18
18 every day, so I have to build a team of people that can 09:30:22
19 build a team of people and cascade. 09:30:26

20 Q. Okay. Turning back -- well, actually, before 09:30:36
21 we do that, so I take it from your answer that means 09:30:40
22 that you are not involved in the day-to-day engineering 09:30:43
23 of the project? 09:30:47

24 A. It depends on which project, but, typically, 09:30:48
25 it isn't like that. 09:30:51

1 Q. And you said, "it depends." What projects 09:30:52
2 are you involved with the day-to-day engineering? 09:30:54
3 A. I'm not involved in the day-to-day 09:30:57
4 engineering of any project, but on a particular day, I 09:30:59
5 may be involved in engineering aspects of the project. 09:31:02
6 But it isn't -- it isn't the thing that I get to do as 09:31:05
7 much as I would like. 09:31:09
8 Q. Sometimes you have to make sure that -- the 09:31:10
9 right number of showers in the bathroom, for example? 09:31:13
10 A. That's a thing, for real. 09:31:15
11 Q. For the bike commuters? 09:31:18
12 A. Yep. It's actually a law. 09:31:19
13 Q. Let's go back to topic number 9. 09:31:23
14 And before we do that, I want to go to topic 09:31:28
15 number 10. What did you do for topic -- to prepare to 09:31:31
16 testify on behalf of the company for topic number 10? 09:31:35
17 A. Okay. I had a phone call with [REDACTED] [REDACTED]
[REDACTED] who is our head of product. 09:31:46
19 Q. How do you spell his last name? 09:31:51
20 A. [REDACTED] 09:31:52
21 I also spoke with [REDACTED], who is our 09:31:58
22 head of hardware. [REDACTED] 09:32:04
23 Q. Anything else? 09:32:12
24 A. No. 09:32:13
25 Q. What did Mr. [REDACTED] 09:32:14

1 A. [REDACTED] 09:32:18

2 Q. [REDACTED] -- what did you and he speak 09:32:19

3 about? 09:32:22

4 A. [REDACTED] [REDACTED]

5 [REDACTED] 09:32:27

6 Q. Anything else? 09:32:29

7 A. We talked about some particulars of my lack 09:32:37

8 of chief of staff and the importance of me hiring one. 09:32:43

9 He and I work together on many things that 09:32:50

10 revolve around building the best team dynamic we can. 09:32:56

11 So my direct team, which he is a part of -- [REDACTED] 09:32:59

12 is a part of -- the kind of chemistry and synergy 09:33:06

13 between that team is very important because that's my 09:33:12

14 entire front. That's my front end of the organization. 09:33:15

15 So they touch the next ten people, and so that's where 09:33:18

16 the force multiplication occurs. 09:33:22

17 So how we perform as a team, as a directs 09:33:25

18 team, is really important, so we spend a lot of time on 09:33:28

19 that. So we talked about that as well. 09:33:31

20 Q. In preparation to testify on behalf of the 09:33:33

21 company -- 09:33:35

22 A. No. 09:33:35

23 Q. -- with regard to the topic? 09:33:36

24 A. I'm sorry. 09:33:37

25 Q. Yeah. So let me focus you a little bit more. 09:33:38

1 My question was: What did you and Mr. [REDACTED] speak 09:33:40
2 about in preparation to testify on topic number 10 on 09:33:44
3 behalf of Uber and Ottomotto? 09:33:49
4 A. So we talked about the fact that -- so our 09:33:50
5 end goal is to have autonomous ride sharing that has no 09:33:54
6 vehicle operator, and we call that NVO. And throughout 09:33:59
7 today I'll probably refer to "NVO," and that's no 09:34:02
8 vehicle operator. So that means a vehicle is 09:34:05
9 completely autonomous and it doesn't have a supervisor 09:34:09
10 sitting in the passenger's seat or the driver's seat. 09:34:12
11 Q. What's the difference between NVO and NSD? 09:34:15
12 A. It's semantics. It's the same thing. NSD 09:34:20
13 stood for no safety driver. And then, as we learned 09:34:23
14 more about the nature of the product we were building, 09:34:29
15 we changed it from NSD to NVO [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] 09:34:39
17 We changed it to vehicle operator, and it became NVO. 09:34:43
18 NVO is a very, very tall mountain, and it's a 09:34:47
19 mountain that no one has ever climbed before. And for 09:34:53
20 us to climb that mountain and go and look at it, it's 09:34:58
21 overwhelming. So what we have to do is build base 09:35:02
22 camps as we go up this mountain. These base camps are 09:35:06
23 things that we use to describe to the team that are 09:35:10
24 motivational and their digestible; they're bits that 09:35:12
25 they can understand how to get to. It takes away some 09:35:16

25 MR. HUME: Objection to the form. 09:36:38

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1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 09:37:08
7 MR. HUME: Objection to the form. 09:37:11
8 Just give me a moment to object each time. 09:37:12
9 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 09:37:49
17 Q. So you said "the exact date." 09:37:50
18 Is there a date? Can you give me a date? 09:37:52
19 MR. HUME: Objection to the form. 09:37:56
20 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 09:38:13

Page 18

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MR. HUME: Objection to the form.

09:40:36

09:40:39

09:41:05

Page 20

14	Q. You're aware there are other autonomous	09:41:48
15	vehicle efforts out there. Right?	09:41:49
16	A. Yes, I am.	09:41:51
17	Q. Which ones are you aware of?	09:41:52
18	A. Autonomy, Waymo of course, Daimler, GM	09:41:54
19	Cruise, Delphi, BMW Mobileye, NVIDIA, Toyota -- I guess	09:42:00
20	I should mention Audi. They would be upset if they	09:42:12
21	weren't in consideration -- Volkswagen, Audi. There	09:42:18
22	are -- there are many. It's the hottest field right	09:42:20
23	now.	09:42:23
24	Q. Let's talk about Waymo. [REDACTED]	[REDACTED]
	[REDACTED]	09:42:29

Page 22

1 objection. 09:43:48

2 Q. Go ahead and answer, please. 09:43:48

3 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

11 MR. HUME: Same objection. Beyond the scope. 09:44:30

12 A. I have no idea what Waymo's plans to 09:44:34

13 commercialize autonomous vehicles are, [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

17 Q. For topic number 10, you also said that you 09:45:16

18 spoke to Mr. [REDACTED] 09:45:19

19 A. Uh-huh. 09:45:20

20 Q. What did you and Mr. [REDACTED] speak about in 09:45:21

21 preparation for topic number 10? 09:45:24

22 A. We spoke of -- [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

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09:56:24

Q. Now, just so I make sure that we're

09:56:25

understanding, I want to go through a few terms.

09:56:30

What is [REDACTED]

09:56:35

A. Okay. I'm going to go back one. Before --

09:56:37

there are -- it goes [REDACTED]

[REDACTED]

[REDACTED]

09:56:45

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866 299-5127

1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] 09:58:27
5 MR. HUME: Can you -- Jordon, you've done 09:58:30
6 this a couple times now. Can you let him finish 09:58:30
7 his answer. 09:58:31
8 MR. JAFFE: He's speaking for a page and a 09:58:32
9 half to a simple question here. 09:58:33
10 MR. HUME: No. He's give you very 09:58:35
11 comprehensive, direct answers, and you're 09:58:37
12 interrupting him inappropriately. Please let him 09:58:39
13 finish. 09:58:41
14 MR. JAFFE: I disagree. 09:58:44
15 Q. Go ahead. 09:58:44
16 A. I can be shorter. 09:58:44
17 Q. I'm just trying to get through a lot of 09:58:46
18 topics, so -- 09:58:48
19 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
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[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] 09:58:57

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Q.

Got it.

What is Catalyst?

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10:00:22

Page 33

Page 34

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1 Q. And you don't know the answer? 10:01:33

2 A. That's correct. 10:01:35

3 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

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[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] 10:02:06

12 Q. I want to talk about the state of Uber's 10:02:11

13 autonomous vehicle technology as of today. Is that all 10:02:14

14 right? 10:02:17

15 A. Okay. 10:02:17

16 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

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[REDACTED]

10:04:41



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[REDACTED]

10:17:29

Q. All right. You are here to testify on behalf

10:17:31

of Uber and Ottomotto with regard to its investment in

10:17:34

Page 47

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 Q. You've never heard that within Uber? 10:19:06

2 A. Not that I recall. 10:19:08

3 [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

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[REDACTED]

10:22:00

Q.

You didn't prepare to testify about that

10:22:03

today?

10:22:05

A.

No, I did not.

10:22:06

Q.

The Fuji lidar, it's being developed at Otto

10:22:10

in San Francisco.

Right?

10:22:13

A.

Partially.

10:22:15

Q.

What parts are being developed here in

10:22:16

Pittsburgh?

10:22:18

MR. HUME: Same objection as outside the

10:22:20

scope.

10:22:21

■

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10:22:38

1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] 10:22:55
5 Q. You said the mechanical engineering is 10:23:05
6 overseen through Pittsburgh. Who oversees that 10:23:07
7 mechanical engineering? 10:23:09
8 [REDACTED] [REDACTED] 10:23:11
9 MR. HUME: We've been going for an hour. Are 10:23:17
10 we going to take a break sometime soon? 10:23:19
11 MR. JAFFE: Sure. Let me just finish a 10:23:21
12 couple quick questions here. 10:23:23
13 Q. How many people does Uber have working on 10:23:24
14 lidar development today? 10:23:27
15 A. Oh, quite a few. I would say approximately 10:23:29
16 [REDACTED] at some capacity. 10:23:50
17 [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] 10:24:08
23 MR. HUME: Objection to the form. 10:24:10
24 If you'll identify the document you're 10:24:18
25 looking at, we can give it to counsel. 10:24:20

1 THE WITNESS: I don't know how to title this 10:24:24
2 document. It's -- 10:24:26
3 MR. HUME: That's because it's got a long 10:24:29
4 lawyer name on top of it. 10:24:31
5 A. Do you know what this is? 10:24:33
6 Q. These are Defendants Uber Technology, Inc. 10:24:36
7 and Ottomotto, LLC's second supplemental responses to 10:24:40
8 Waymo's first set of common interrogatories. 10:24:44
9 MR. HUME: There's a copy. 10:24:47
10 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 10:25:12
15 Q. So I appreciate you pointing at Uber's 10:25:12
16 interrogatory responses. 10:25:15
17 Let me ask you a more pointed question, which 10:25:18
18 is: So other than pointing at Uber's interrogatory 10:25:20
19 responses, which were prepared by Uber's lawyers, can 10:25:23
20 you tell me, sitting here today, what percentage of the 10:25:26
21 people working on lidar development came from the Otto 10:25:32
22 acquisition? 10:25:35
23 MR. HUME: Objection to the form and 10:25:37
24 objection as outside the scope. 10:25:38
25 [REDACTED] [REDACTED] 10:25:39

Page 53

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1

[REDACTED]

[REDACTED]

2

[REDACTED]

[REDACTED]

3

[REDACTED]

[REDACTED]

4

[REDACTED]

10:43:30

5

MR. HUME: Same two objections.

10:43:30

6

[REDACTED]

[REDACTED]

7

[REDACTED]

[REDACTED]

8

[REDACTED]

[REDACTED]

9

[REDACTED]

[REDACTED]

10

[REDACTED]

[REDACTED]

11

[REDACTED]

[REDACTED]

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[REDACTED]

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21

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22

[REDACTED]

[REDACTED]

23

[REDACTED]

[REDACTED]

24

[REDACTED]

[REDACTED]

25

[REDACTED]

10:44:26

Page 54

Page 55

Page 56

Page 57

Page 58

1 meant. But I don't know how Waymo -- I don't think 10:48:57

2 Waymo makes any money, so I don't know how that poses a 10:49:01

3 threat. 10:49:04

4 I believe that there are hypotheticals that 10:49:04

5 you could run, if Waymo does this and if this goes this 10:49:08

6 way for them, that could be a threat, but I don't know 10:49:12

7 that those things will occur. Ruth might decide she 10:49:14

8 doesn't want to do a robot car anymore tomorrow. 10:49:21

9 Q. Just -- when you refer to "robot car," what 10:49:25

10 are you referring to? 10:49:28

11 A. I'm sorry. Autonomous cars. 10:49:29

12 Q. And you said "Ruth." who are you referring to 10:49:30

13 as "Ruth"? 10:49:32

14 A. Ruth -- 10:49:34

15 MR. HUME: Same objection. 10:49:35

16 A. -- the CEO of Uber -- I'm sorry -- of Google. 10:49:35

17 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] 10:50:02

22 MR. HUME: Objection as outside the scope. 10:50:03

23 And object to the form. It's mischaracterizing 10:50:04

24 prior testimony. 10:50:09

25 [REDACTED] 10:50:10

1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED]
4 [REDACTED] 10:50:28
5 MR. JAFFE: Why don't we actually mark, 10:50:40
6 before we keep going, the document that you 10:50:41
7 referred to, which is Uber's response -- second 10:50:44
8 supplemental responses. Why don't we mark that 10:50:48
9 as -- 10:50:51
10 THE WITNESS: Which topic? 10:50:52
11 MR. JAFFE: -- Exhibit 878. 10:50:53
12 This document that you referred to before, 10:50:55
13 that you handed me from your file. 10:50:56
14 THE WITNESS: This guy? 10:50:59
15 MR. JAFFE: Yeah. 10:51:01
16 (Whereupon, Deposition Exhibit 878 was marked 10:51:01
17 for identification.) 10:51:01
18 MR. JAFFE: I'm going to mark as 10:51:11
19 Exhibit 879 a document entitled [REDACTED] [REDACTED]
20 [REDACTED] Bates-labeled UBER232001. 10:51:18
21 (Whereupon, Deposition Exhibit 879 was marked 10:51:33
22 for identification.) 10:51:33
23 Q. Mr. Meyhofer, have you seen the document that 10:51:36
24 I've placed in front of you before? 10:51:38
25 A. I don't recall seeing this document. 10:51:45

Page 60

1 Q. You didn't review this document in 10:51:47
2 preparation for your testimony today on behalf of the 10:51:49
3 company, did you? 10:51:52
4 A. No, I didn't. You just handed it to me. 10:51:52
5 Q. Okay. All right. So let's go to page 7. 10:51:56
6 A. Uh-huh. 10:52:03
7 Q. I'm going to refer to the numbers starting -- 10:52:10
8 on the bottom right-hand corner. We lawyers refer to 10:52:13
9 those as Bates numbers. 10:52:17
10 A. The 2007 number? 10:52:18
11 Q. That's right. 10:52:21
12 A. Got it. 10:52:22
13 Q. Just for your benefit, they're to give unique 10:52:22
14 identifiers for each page that's produced in 10:52:25
15 litigation. 10:52:28
16 I'm going to refer to the one ending in 007. 10:52:28
17 A. Thank you. Uh-huh. 10:52:33
18 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 10:52:40
20 A. Uh-huh. 10:52:40
21 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 10:52:56

1 [REDACTED] 10:52:58
2 Q. I read the wrong line of my notes. Thank 10:53:03
3 you. All right. 10:53:05
4 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 10:53:18
10 Q. Got it. Okay. 10:53:19
11 So referring to vehicle deployment here -- 10:53:20
12 A. 2007? Page 007? 10:53:29
13 Q. Yes. 10:53:33
14 A. Yeah. 10:53:35
15 Q. You see where it says, [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 10:53:43
19 MR. HUME: Objection as outside the scope. 10:53:45
20 Object to form. 10:53:47
21 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 10:54:06

Page 63

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 Q. Mr. Meyhofer, have you seen Exhibit 880 10:55:40
2 before? 10:55:44
3 A. You just handed it to me. 10:55:45
4 Q. Right. Before I handed it to you, have you 10:55:47
5 seen Exhibit 880 before? 10:55:49
6 A. I don't recall seeing this document before. 10:55:57
7 Q. And have you -- so it's fair to say, then, 10:56:00
8 you didn't review Exhibit 880 in preparation to testify 10:56:02
9 on behalf of the company today? 10:56:05
10 A. It's fair to say that. 10:56:07
11 Q. Okay. If you can go to the second page -- 10:56:08
12 A. 14? 10:56:17
13 Q. Correct. 10:56:18
14 Do you see there's a -- the first bullet 10:56:20
15 point says, [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 10:56:28
17 Do you see that? 10:56:29
18 A. Uh-huh. 10:56:29
19 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 10:56:33
21 MR. HUME: Objection as outside the scope of 10:56:36
22 the notice. 10:56:38
23 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 10:56:43

Page 64

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10:57:24

10:57:27

10:57:28

10:57:30

10:57:33

10:57:36

10:57:38

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 MR. HUME: I understand that. But if this is 10:57:42
2 a ploy to try to later say that this is corporate 10:57:43
3 testimony when it's outside the scope, we object 10:57:46
4 to that. 10:57:48

5 MR. JAFFE: I'm not -- you can make your 10:57:49
6 objections. I'm not going to debate that with 10:57:49
7 you. 10:57:51

8 Q. Go ahead. 10:57:52

9 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 10:58:03

14 MR. HUME: Objection as outside the scope. 10:58:04

15 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 10:58:21

19 MR. HUME: So Jordan, let me make my 10:58:26

20 objection clear, because you guys have stopped 10:58:27

21 depositions, taken a witness outside of a room, 10:58:29

22 and redirected an entire deposition based on this. 10:58:31

23 What you've just done, asking an acronym on 10:58:34

24 the document not within the scope of the topic, is 10:58:36

25 classic personal deposition testimony. You're 10:58:39

Page 66

1 going to have an opportunity to do that after the 10:58:42
2 30(b)(6). 10:58:44
3 I'm letting these questions go for 10:58:45
4 efficiency's sake. But unless you can make a 10:58:46
5 showing at some point that what you're doing is 10:58:49
6 within the topic, we're going to -- I'm going to 10:58:51
7 make this objection more forcefully as we go 10:58:54
8 because I don't understand why you're doing it. 10:58:57
9 MR. JAFFE: The speaking objections are 10:58:59
10 completely improper. This is -- 10:59:00
11 MR. HUME: This is exactly what you did -- 10:59:01
12 MR. JAFFE: Can you please let me finish. 10:59:02
13 MR. HUME: This is exactly what you did at 10:59:04
14 the Brown deposition, which you stopped and you 10:59:04
15 took the witness out of the room. 10:59:06
16 MR. JAFFE: Okay. If you'd let me finish, 10:59:07
17 this is talking about accelerating purchase of 10:59:08
18 lidar units. That's literally what this bullet 10:59:11
19 says. Topic number 9 is investment into 10:59:13
20 developing in-house lidar. 10:59:18
21 If you're going to argue that this is outside 10:59:20
22 the scope, make your objection, but we can take 10:59:22
23 that to the Court. 10:59:24
24 MR. HUME: It's helpful for you to make a 10:59:25
25 proffer of why it's within the scope. 10:59:27

Page 68

1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 11:00:37
8 MR. HUME: Objection. This is not a 30(b)(6) 11:00:38
9 topic. I object to it as outside the scope. 11:00:40
10 If you'd be able to say what topic you're in 11:00:43
11 each time, it's not burdensome, but it actually 11:00:45
12 would help you make a clear record. 11:00:49
13 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
16 MR. JAFFE: Okay. This is going to be 11:01:10
17 Exhibit 881. It was produced natively, but I'll 11:01:12
18 just mark -- for the record, it's UBER2322221. 11:01:22
19 (Whereupon, Deposition Exhibit 881 was marked 11:01:28
20 for identification.) 11:01:28
21 Q. Mr. Meyhofer, have you seen what I've marked 11:01:49
22 as Exhibit 881 before I handed it to you? Have you 11:01:51
23 seen it before? 11:01:55
24 A. Not that I recall. 11:01:56
25 Q. Okay. It's fair to say you didn't review 11:01:57

1 Exhibit 881 in preparation for your testimony on behalf 11:02:01
2 of the company today? 11:02:05
3 A. That is fair to say. 11:02:06
4 Q. Okay. I want to go to the second page of the 11:02:07
5 document, please. 11:02:09
6 MR. HUME: What topic are we in now, 11:02:29
7 Counselor? 11:02:31
8 MR. JAFFE: Still talking about investment in 11:02:33
9 lidar. 11:02:34
10 Q. Do you see one of the entries is [REDACTED] 11:02:41
11 A. Uh-huh. Yes, I do. 11:02:44
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:03:03
15 Do you see that? 11:03:05
16 A. I do. 11:03:05
17 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:03:13
19 MR. HUME: Objection as outside the scope. 11:03:14
20 A. I would assume so. 11:03:17
21 Q. You're assuming so. 11:03:18
22 Sitting here today, can you tell me whether 11:03:20
23 it is or it isn't, on behalf of Uber? 11:03:22
24 MR. HUME: Same objection. 11:03:24
25 A. So I have not seen this document before. [REDACTED] 11:03:25

Page 70

1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:03:52
9 Q. Do you see, in the right, there's a kind of 11:03:56
10 second group of columns after [REDACTED] [REDACTED] 11:03:58
11 Do you see that? 11:04:04
12 A. (No verbal response.) 11:04:06
13 Q. You have to say -- 11:04:06
14 A. I do see that, yes. 11:04:07
15 Q. What does [REDACTED] refer to. 11:04:09
16 MR. HUME: Objection as outside the scope. 11:04:12
17 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:04:34
24 A. Yes. 11:04:35
25 Q. What are the differences between those? 11:04:35

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	MR. HUME: Objection as outside the scope.	11:04:37
2	[REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]
6	[REDACTED]	11:04:53
7	MR. HUME: Objection as outside the scope.	11:04:55
8	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]
10	[REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]
12	[REDACTED]	11:05:09
13	MR. HUME: Objection as outside the scope of	11:05:12
14	the notice.	11:05:13
15	A. I can't.	11:05:14
16	Q. What is [REDACTED]	11:05:34
17	MR. HUME: Objection as outside the scope.	11:05:36
18	A. I don't recall.	11:05:43
19	Q. You're not familiar with that?	11:05:43
20	A. I would need a refresher. If I see the doc,	11:05:45
21	I'll probably remember, but I don't know the [REDACTED]	[REDACTED]
22	[REDACTED] I've heard it. I don't remember.	11:05:50
23	MR. JAFFE: Let's mark this as 882. It's	11:05:53
24	Bates-labeled UBER232549.	11:05:56
25	- - -	11:05:58

Page 72

Page 73

1 [REDACTED] team. 11:07:23

2 Q. You're not prepared to testify regarding the 11:07:25

3 content of Exhibit 882 today. Is that fair? 11:07:27

4 MR. HUME: Objection. He hasn't reviewed the 11:07:30

5 whole document. 11:07:32

6 A. I am happy to read through the doc and give 11:07:33

7 you my understanding of what questions you have about 11:07:35

8 it. 11:07:37

9 Q. Did you review this document in preparation 11:07:38

10 for your testimony today? 11:07:39

11 A. No, I did not. 11:07:41

12 Q. Okay. The date of this document is May 20, 11:07:42

13 2016. Right? 11:07:50

14 A. That's correct. 11:07:54

15 Q. This was after Uber decided to buy Otto. 11:07:55

16 Correct? 11:07:59

17 A. That is correct. 11:08:02

18 Q. Now, let's go to page ending in 572. So the 11:08:03

19 page here ending in 572 of Exhibit 882, it refers to 11:08:25

20 some information from November 2015. Correct? 11:08:31

21 A. Yes. That's correct. 11:08:43

22 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] 11:08:55

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1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 11:10:47
10 Q. So your testimony is that this number was 11:10:51
11 just picked at random? 11:10:54
12 A. I don't think anything in [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 11:11:20
21 MR. HUME: Objection to the form. 11:11:22
22 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 11:11:30
25 Q. Nothing in this document is accurate? 11:11:31

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1 A. Well, this page 72 -- 11:11:33

2 MR. HUME: Objection to the form. 11:11:36

3 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] 11:11:51

8 MR. HUME: Objection. Objection to the form. 11:11:53

9 Mischaracterizes his testimony. 11:11:54

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 11:12:18

20 Q. So let me ask my question again. [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 11:12:37

Page 77

1 Q. I don't want you to imagine. I'm asking you, 11:12:38
2 testifying on behalf of the company: [REDACTED] [REDACTED]
3 [REDACTED] 11:12:43
4 A. I don't have -- 11:12:44
5 MR. HUME: Objection to the form. I'm not 11:12:45
6 sure that specific -- I'll just preserve an 11:12:46
7 objection as potentially outside the scope. 11:12:53
8 [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED]
12 [REDACTED] 11:13:11
13 MR. HUME: I'll object to the form. 11:13:18
14 A. I don't couple the two together. 11:13:21
15 Q. I'm not asking you to couple. I'm just using 11:13:23
16 that as a timing bookmark. 11:13:25
17 [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED]
21 [REDACTED] 11:13:37
22 Q. What about after? Didn't -- 11:13:38
23 Let me just ask the question directly. [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 11:13:44

1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] 11:13:52
4 Q. So if there are documents that reflect that, 11:13:54
5 that would be wrong? 11:13:57
6 A. That isn't what I'm saying. 11:13:58
7 Q. What are you saying? 11:14:00
8 [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] 11:14:35
18 MR. JAFFE: Let's go ahead and mark as 11:14:41
19 Exhibit 883 a document also entitled "[REDACTED] [REDACTED]
20 [REDACTED]" Bates-labeled UBER232488. 11:14:57
21 (Whereupon, Deposition Exhibit 883 was marked 11:15:01
22 for identification.) 11:15:01
23 MR. HUME: What are we up to? 11:15:13
24 MR. JAFFE: 883. 11:15:16
25 Q. Mr. Meyhofer, have you seen Exhibit 883 11:15:17

1 before? 11:15:20

2 A. Nope. I have not. 11:15:21

3 Q. So it's fair to say that you did not review 11:15:23

4 the content of Exhibit 883 to prepare to testify on 11:15:25

5 behalf of the company today? 11:15:28

6 A. That's correct. 11:15:30

7 Q. All right. So I want to contrast -- compare 11:15:31

8 and contrast Exhibit 883 to Exhibit 882. 11:15:35

9 Do you see Exhibit 882 is dated May 20, 2016? 11:15:39

10 A. Uh-huh. 11:15:43

11 Q. And Exhibit 883 also, [REDACTED] is 11:15:44

12 dated September 13, 2016? 11:15:48

13 A. I do. 11:15:51

14 Q. So this is a few months later, same project. 11:15:52

15 Is that fair? 11:15:58

16 A. That's -- yes. 11:15:59

17 Q. Okay. If you can turn to the page ending in 11:16:00

18 490 -- 11:16:11

19 A. Got it. 11:16:12

20 Q. -- the executive summary -- 11:16:13

21 A. Uh-huh. 11:16:15

22 Q. -- you see where it says, [REDACTED] 11:16:16

23 A. Uh-huh. 11:16:23

24 [REDACTED] [REDACTED] [REDACTED] 11:16:29

[REDACTED] [REDACTED] ? 11:16:29

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1 A. Uh-huh. 11:16:32

2 Q. Do you see that? 11:16:33

3 A. Yes. 11:16:33

4 Q. What does that mean? 11:16:33

5 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

18 Q. So then, I want to go back to Exhibit 882, 11:17:30

19 the [REDACTED] presentation. 11:17:38

20 A. Right. Page? 11:17:40

21 Q. And the page 551, "Executive Summary." 11:17:42

22 A. Got it. 11:17:55

23 Q. You see it says, "[REDACTED] [REDACTED]

[REDACTED] [REDACTED] 11:17:59

25 A. Oh, yes, I see that. 11:18:06

Page 81

Page 82

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11:20:40

Q. I'm not asking you to read the disclaimer to

11:20:42

me. I'm asking: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

█

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11:20:58

1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:21:04
4 Q. Tell me them. 11:21:07
5 A. I do not know those. 11:21:08
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:21:19
12 Q. Okay. If you can, go to page 490. We're in 11:21:20
13 Exhibit 883. 11:21:43
14 A. Got it. 11:21:45
15 Q. Sorry. 512. Excuse me. 11:21:49
16 You see this slide is entitled [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:22:17
18 A. I do. 11:22:17
19 [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:22:21
22 Q. You don't know? 11:22:23
23 [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:22:31

4	A. I'm prepared to answer questions to the best	11:22:46
5	of my knowledge about what I see here, on behalf of the	11:22:48
6	company.	11:22:50

[illegible]

17 Q. You didn't prepare to testify regarding the 11:23:17
18 [REDACTED] here on page 512 of Exhibit 883 for 11:23:19
19 your corporate testimony. Is that fair? 11:23:24

[illegible]

1 [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:23:52
3 Q. I want to ask a more specific question. I 11:23:54
4 want to ask questions about this page and where the 11:23:56
5 numbers come from on this page ending in 512 on page -- 11:23:59
6 Exhibit 883. 11:24:04
7 Are you prepared to explain the numbers on 11:24:05
8 this page? 11:24:06
9 A. I would need to have [REDACTED] here to 11:24:07
10 do that accurately. 11:24:09
11 Q. So "no"? 11:24:10
12 A. Correct. 11:24:11
13 MR. JAFFE: All right. This is going to be 11:24:20
14 Exhibit 884. This is UBER231748. The first page 11:24:27
15 says [REDACTED] 11:24:40
16 (Whereupon, Deposition Exhibit 884 was marked 11:24:53
17 for identification.) 11:24:53
18 Q. Mr. Meyhofer, have you seen Exhibit 884 11:24:59
19 before just when I handed it to you right now? 11:25:02
20 A. No, I have not. 11:25:04
21 Q. Okay. Do you know if this presentation is 11:25:06
22 referring to Ottomotto or Otto Trucking? 11:25:08
23 A. I do not know which of the two it refers to. 11:25:14
24 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:25:18

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1 Q. So if you would just want to take a second to 11:25:21
2 look through the different pages, my question is: Are 11:25:23
3 you prepared to testify regarding the numbers in this 11:25:27
4 document on behalf of the company? 11:25:30

5 A. No, I'm not. 11:25:32

6 Q. So you can't explain where any of these 11:25:33
7 numbers came from or what they mean, sitting here 11:25:35
8 today? 11:25:38

9 A. No. I'm sure it came from the finance team. 11:25:38
10 I can't explain them in detail, no. 11:25:40

11 Q. For example, if you go to the page ending in 11:25:44
12 750 -- 11:25:47

13 A. Yes. 11:25:48

14 Q. -- do you see where it refers to a [REDACTED] [REDACTED]
[REDACTED] " on the top? 11:25:51

16 A. Yes. Yes. Yes. Yes. Yes. 11:25:55

17 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] 11:26:30

Page 87

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1 [REDACTED] 11:26:33

2 A. Uh-huh. 11:26:39

3 [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] 11:26:47

6 Q. Do you know what that refers to? 11:26:47

7 A. Earnings before initial tax, I would guess. 11:26:51

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] 11:27:56

25 Q. Right. But my understanding is -- excuse me. 11:28:00

Page 88

[illegible]

25	Q. Do you know that, or are you speculating?	11:29:14
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1 [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 11:29:36
10 MR. JAFFE: Okay. You can put it aside. 11:29:38
11 All right. Let's take out the little 11:30:00
12 computer here. 11:30:03
13 MR. BERGSTROM: All right. Do you want to 11:30:05
14 look at it before I give it to him or -- 11:30:19
15 MR. JAFFE: Yeah. Let me just read for the 11:30:22
16 record what it is. So why don't we look at 11:30:24
17 UBER224219. 11:30:26
18 And for the record, I'm just handing the 11:30:31
19 witness a laptop that has this spreadsheet loaded 11:30:35
20 up. 11:30:39
21 THE WITNESS: Thank you. 11:30:51
22 BY MR. JAFFE: 11:30:51
23 Q. Mr. Meyhofer, you'll have to bear with me 11:30:51
24 because you're looking at the computer and I am not. 11:30:53
25 But what I'd like to do is, if you could, please 11:30:57

[illegible]

17 A. I'm sorry. Yeah, I guess it is. 11:32:10

[illegible]

24 Q. So going back to the -- well, let me ask this 11:32:50

25 question: [REDACTED] 11:32:54

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11:33:45

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[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

11:34:54

Q. I want to be a little more pointed about

11:34:56

this. You're assuming. I don't want you to assume.

11:34:59

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

11:35:09

MR. HUME: Objection. Sorry. Objection to

11:35:10

the form.

11:35:15

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

11:35:45

Page 93

1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 11:36:05
6 Q. Okay. All right. Can you go back to 11:36:07
7 Exhibit 878 for a second. 11:36:31
8 A. Got it. I have it. 11:36:49
9 Q. If you can, go to page 18. 11:36:57
10 A. Okay. 11:37:04
11 Q. Do you see the second paragraph of the second 11:37:05
12 supplemental response? 11:37:12
13 A. Uh-huh. 11:37:13
14 Q. Do you see it refers to UBER224219? 11:37:14
15 A. Uh-huh. 11:37:18
16 Q. That's the same number as the title of the 11:37:19
17 spreadsheet that you've just been discussing on the 11:37:22
18 laptop. Right? 11:37:24
19 A. That's right. 11:37:25
20 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 11:37:54

1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] 11:38:05
4 Q. Okay. If you can -- I'm happy to do this, 11:38:10
5 but maybe you can just do it on the fly here. Open the 11:38:17
6 other spreadsheet that's on the desktop of the computer 11:38:20
7 in front of you. And that one should be numbered 11:38:23
8 232454. 11:38:34
9 A. Uh-huh. [REDACTED] " it's called? 11:38:37
10 MR. HUME: What's the Bates number of the one 11:38:46
11 we just opened? Oh, 232454. 11:38:48
12 MR. JAFFE: Now what I want to do is mark as 11:38:58
13 Exhibit 885 Defendants Uber and Otto's fourth 11:39:00
14 supplemental responses to Waymo's first set of 11:39:13
15 interrogatories. 11:39:16
16 (Whereupon, Deposition Exhibit 885 was marked 11:39:16
17 for identification.) 11:39:16
18 Q. All right. So can you go to page 18 of this 11:39:33
19 document, Exhibit 885. 11:39:53
20 A. Got it. 11:40:02
21 Q. Actually, before we get there, did you review 11:40:03
22 Exhibit 885, Defendants' fourth supplemental responses, 11:40:06
23 in preparation for your testimony today, or did you 11:40:09
24 only review the one we marked earlier, which was the 11:40:11
25 second set of supplemental responses, Exhibit 878? 11:40:14

1 MR. HUME: Objection to form. 11:40:26

2 A. I reviewed only 878. 11:40:36

3 Q. Okay. So you didn't review and prepare to 11:40:39

4 testify regarding the third and fourth supplemental 11:40:43

5 responses to Uber's interrogatory number 3. Is that 11:40:46

6 fair? 11:40:50

7 A. That's fair. 11:40:51

8 Q. Even so, I want to try to plod along as best 11:40:55

9 we can here. So if you look at page 18 of Exhibit 885, 11:41:00

10 do you see that it cites UBER232454? 11:41:06

11 A. Yes. 11:41:14

12 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

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11:43:13

Q. Right. What would that number mean?

11:43:14

Page 98

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Q. This document is not accurate?

Q. Okay.

11:44:32

11:44:34

11:44:57

11:45:43

Page 99

Page 100

Page 101

1 MR. JAFFE: Okay. Why don't we take our next 11:49:15
2 break. 11:49:23
3 MR. HUME: Okay. 11:49:24
4 THE VIDEOGRAPHER: This ends media number 2. 11:49:25
5 Going off the record, the time is 11:49 a.m. 11:49:27
6 (Recess taken.) 12:12:49
7 THE VIDEOGRAPHER: This begins media 12:13:06
8 number 3. We are on the record. The time is 12:13:07
9 12:12 p.m. 12:13:10
10 BY MR. JAFFE: 12:13:11
11 Q. Welcome back, Mr. Meyhofer. 12:13:11
12 A. Thank you. 12:13:13
13 Q. Just to -- we were talking about two 12:13:15
14 spreadsheets that are loaded up on this laptop. One is 12:13:17
15 224219. The other is 232454. And as, I think, we 12:13:20
16 talked about before, you can't, sitting here today, 12:13:26
17 tell me what all the information in those means and 12:13:30
18 where -- the accuracy of the data in there. 12:13:32
19 Is that fair? 12:13:34
20 A. That is correct. 12:13:35
21 Q. So my question is: Who would know the answer 12:13:35
22 to those questions? 12:13:38
23 A. So I would -- I would work with [REDACTED] [REDACTED]
[REDACTED] They're the two most knowledgeable 12:13:45
25 finance people at ATG. And I would question the method 12:13:50

1 with which they pulled this data, how they categorized 12:13:56
2 it, and why they used that data. 12:14:01
3 Q. And those conversations -- you didn't have 12:14:03
4 those conversations in preparation for your testimony 12:14:05
5 today? 12:14:07
6 A. I had a conversation with [REDACTED] about the 12:14:08
7 difficulty of us producing all of this data, given that 12:14:10
8 we don't have this sort of tracking in place, but I 12:14:14
9 didn't talk with her specifically about this 12:14:18
10 spreadsheet. 12:14:20
11 Q. About either of the spreadsheets? 12:14:22
12 A. Correct. 12:14:23
13 Q. So you didn't walk with [REDACTED] or 12:14:24
14 [REDACTED] about how the data in these two spreadsheets 12:14:27
15 was generated, its accuracy, or any of those kinds of 12:14:32
16 topics? 12:14:35
17 A. That is correct. I did not talk to either of 12:14:36
18 them about the data in these spreadsheets. 12:14:38
19 Q. Okay. And if you wanted to get more 12:14:40
20 information, those would be the two people you would 12:14:42
21 ask? 12:14:44
22 A. Oh, yes. 12:14:45
23 Q. Was getting a custom lidar a motivating 12:14:57
24 factor in the decision to acquire Otto? 12:15:00
25 MR. HUME: Objection. 12:15:03

1 What topic are you under now? 12:15:04

2 MR. JAFFE: Still on topic 9. 12:15:06

3 MR. HUME: Reserve the objection -- preserve 12:15:10

4 the objection as outside the scope. 12:15:12

5 [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED] 12:15:35

8 Q. Okay. We talked earlier about the 12:15:57

9 preparation work that you did to testify on behalf of 12:16:04

10 topic number 9. You said you reviewed a few documents; 12:16:06

11 you spoke with [REDACTED]. And I believe that was it? 12:16:09

12 A. Yes. 12:16:16

13 Q. Now, we spoke about your conversation with 12:16:19

14 [REDACTED]. Did you speak with [REDACTED] about 12:16:21

15 anything else, other than what we've already talked 12:16:24

16 about, in preparation for your testimony today? 12:16:27

17 MR. HUME: Just a minute. Go ahead. 12:16:30

18 A. Will you repeat the question first. 12:16:45

19 Q. Sure. Let me rephrase it. Hopefully, it 12:16:48

20 will be clear. 12:16:49

21 You mentioned a conversation that you had 12:16:51

22 with [REDACTED]. 12:16:52

23 A. Uh-huh. 12:16:54

24 Q. Do you remember that? 12:16:54

25 A. Uh-huh. 12:16:55

Page 105

15	Q.	You mentioned something called "vertical beam	12:19:04
16		spacing"?	12:19:07
17	A.	Uh-huh.	12:19:08
18	Q.	What did you mean by that?	12:19:09
19	A.	So the vertical beam spacing is, the lasers	12:19:10
20		are -- it's not one laser beam. It's an array of	12:19:13
21		lasers. And they are emitted through lenses. And when	12:19:16
22		they're emitted through lenses, the -- essentially, as	12:19:21
23		they sweep, they make a line. And these lines have a	12:19:29
24		space between them. And when you project those lines	12:19:32
25		from an angle onto a ground surface, where they hit	12:19:37

1 determines the height of objects that they can paint. 12:19:42

2 And it has an attribute to how fast your vehicle can 12:19:45

3 go. 12:19:50

4 So the vertical beam spacing is really one of 12:19:50

5 the big performance attributes that determines how a 12:19:53

6 laser -- you know, its requirements, its recipe. 12:19:59

7 Q. You would say vertical beam spacing is the 12:20:07

8 recipe for the lidar? 12:20:10

9 A. Well, it's one -- 12:20:11

10 MR. HUME: Objection. I'm sorry. Object as 12:20:11

11 outside the scope of the topic. 12:20:13

12 A. It's one of the performance attributes that 12:20:16

13 matters a lot to us. 12:20:19

14 Q. It's a key performance attribute? 12:20:22

15 A. It's a key performance attribute, yes. 12:20:24

16 Q. What other costs did [REDACTED] not think to 12:20:31

17 include for lidar costs? 12:20:36

18 A. The only one -- 12:20:37

19 MR. HUME: Objection to the form of the 12:20:38

20 question. 12:20:39

21 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] 12:20:59

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1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 12:21:27
9 So however that was pulled I don't have faith 12:21:27
10 in. I think it's an attempt to show what our data 12:21:30
11 situation looks like, but -- 12:21:34
12 Q. You'd agree they're higher though. Right? 12:21:36
13 MR. HUME: I don't think he had finished his 12:21:39
14 question -- his answer. I'm sorry. 12:21:40
15 Q. Go ahead. 12:21:43
16 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 12:22:19

Page 108

Page 109

1 output? 12:52:32

2 Q. Yes. 12:52:33

3 A. Because it's a resource that is necessary for 12:52:34

4 us to be successful. 12:52:40

5 MR. HUME: Sorry. I don't know if I 12:53:02

6 registered an objection to the last question, but 12:53:03

7 I'll register it now. It's outside the scope. 12:53:12

8 MR. JAFFE: I think we're on 886. I'm going 12:53:21

9 to mark this as Exhibit 886. It is entitled 12:53:25

10 [REDACTED] [REDACTED]

11 [REDACTED] 12:53:34

12 (Whereupon, Deposition Exhibit 886 was marked 12:53:37

13 for identification.) 12:53:37

14 Q. Mr. Meyhofer, have you seen Exhibit 886 12:53:50

15 before? 12:53:52

16 A. I believe so, yes. 12:53:55

17 Q. Did you review this document in preparation 12:53:56

18 for your testimony today? 12:53:58

19 A. Yes. 12:54:00

20 Q. You did? 12:54:01

21 A. I think I did. 12:54:04

22 Q. How long did you spend reviewing Exhibit 886? 12:54:06

23 A. Not very long at all. 12:54:10

24 Q. Five minutes? 12:54:12

25 A. Not -- maybe, yeah. 12:54:13

1 Q. Less than five minutes? 12:54:15

2 A. Yes. 12:54:16

3 Q. So we were talking earlier about the state of 12:54:17

4 Uber's lidar development before 2016. 12:54:20

5 Another one of the topics that you're 12:54:24

6 designated on relates to Mr. Levindowski's input into 12:54:26

7 Uber's lidar efforts. 12:54:31

8 A. Yes. 12:54:33

9 Q. What I wanted to direct you to is -- do you 12:54:35

10 see the "Date" column on Exhibit 886? 12:54:37

11 A. Yes, I do. 12:54:39

12 Q. And I'm going to refer to this as the "lidar 12:54:40

13 log," 886. 12:54:42

14 Do you understand what I'm referring to? 12:54:44

15 A. I do. 12:54:45

16 Q. If you look at the lidar log, under the date, 12:54:45

17 do you see [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 12:55:04

19 A. I do see that. 12:55:05

20 Q. And the [REDACTED] 12:55:10

21 Do you see that? 12:55:18

22 A. Uh-huh. 12:55:19

23 Q. What was Uber talking to Anthony Levandowski 12:55:24

24 about regarding lidar in 2015? 12:55:26

25 A. So these people are strategy and executive 12:55:32

Page 133

1 Q. I was going to read the topics. Sorry. I 13:04:31
2 realize now -- that makes sense. 13:04:33
3 You are designated to testify regarding topic 13:04:36
4 number 1 regarding Mr. Levandowski's development of 13:04:38
5 lidar? 13:04:40
6 A. Yes. 13:04:41
7 Q. What did you do to -- 13:04:43
8 MR. HUME: I think -- just for the record, I 13:04:44
9 think he's designated only for Uber, I think. 13:04:44
10 Q. What are -- 13:04:50
11 MR. JAFFE: He's only designated -- I'm 13:04:50
12 sorry. What did you say? 13:04:52
13 MR. HUME: I think he's designated for 13:04:52
14 Levandowski's involvement in the development at 13:04:55
15 lidar at Uber, on behalf of Uber. I don't know 13:05:01
16 that he can speak to what happened at Ottomotto. 13:05:03
17 MR. JAFFE: So the designation did not say 13:05:08
18 that. 13:05:11
19 MR. HUME: I'll check on a break. Why don't 13:05:12
20 you ask him questions. We'll see if we have an 13:05:13
21 Ottomotto designee separately. Maybe not. 13:05:17
22 Q. Okay. Mr. Levandowski [sic], what did you 13:05:19
23 do to prepare -- not -- you are not Mr. Levandowski. 13:05:23
24 What did you do to prepare to testify about 13:05:25
25 Mr. Levandowski's development or contributions to 13:05:28

1 lidar? 13:05:32

2 A. Again, I talked with [REDACTED] 13:05:40

3 Q. Anything else? 13:05:56

4 A. No, I mean, unless you want to count [REDACTED] 13:05:57

5 but -- 13:05:59

6 Q. Did you review any documents to prepare to 13:06:00

7 testify regarding topic number 1? 13:06:02

8 A. This is lidar work between -- just period, 13:06:11

9 total, of Anthony? 13:06:14

10 Q. Yeah. That's what topic number 1 says. 13:06:18

11 A. Aside from working closely with him the whole 13:06:21

12 time and talking with [REDACTED], that's all I 13:06:24

13 did. 13:06:29

14 Q. So in preparing for your testimony on behalf 13:06:32

15 of at least Uber, you didn't review any documents? 13:06:34

16 A. I don't remember if the documents I reviewed 13:06:50

17 were about topic 1 or were in search for other 13:06:52

18 documents, but no, I don't remember specifically 13:06:57

19 reviewing documents about this topic. 13:06:58

20 Q. What did you and Mr. [REDACTED] discuss with 13:07:06

21 regard to topic number 1? 13:07:09

22 A. Time lines, essentially, of when we broke the 13:07:12

23 specification to final and got it into [REDACTED] for the 13:07:19

24 [REDACTED] [REDACTED]

25 [REDACTED] -- when he started to 13:07:31

1 communicate with the NewCo consulting company, I wasn't 13:07:54
2 clear on. That's what I recall. 13:08:03
3 Q. What else -- so what did he tell you? 13:08:16
4 A. That the [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] . And -- 13:08:54
11 Q. What does that have to do with 13:09:04
12 Mr. Levandowski? 13:09:05
13 A. Well, remember, Anthony Levandowski's 13:09:07
14 involvement in lidar was very limited in that he was 13:09:10
15 the head of ATG. 13:09:13
16 Q. Let me -- let me back up. So I'm trying to 13:09:15
17 get at -- topic number 1 is Mr. Levandowski's 13:09:18
18 involvement in the development of lidar on behalf of 13:09:22
19 Uber and Ottomotto. Right? 13:09:24
20 A. Uh-huh. 13:09:25
21 Q. You said one of the things that you did to 13:09:26
22 prepare for this topic was talk to Mr. [REDACTED] 13:09:28
23 A. Uh-huh. 13:09:31
24 Q. What did Mr. [REDACTED] tell you about Anthony 13:09:32
25 Levandowski's involvement in the development of lidar? 13:09:33

1 A. He told me specifically about his involvement 13:09:36
2 in it, and Anthony wasn't there. Anthony's involvement 13:09:38
3 was very limited. Anthony's involvement was 13:09:42
4 contributing a team. 13:09:44
5 Q. So Mr. [REDACTED] told you that he had no 13:09:47
6 conversations with -- 13:09:49
7 A. No, he did not. 13:09:50
8 Q. Sorry. Let me finish. 13:09:52
9 Mr. [REDACTED] told you that he had no 13:09:54
10 conversations with Anthony Levandowski about lidar? 13:09:58
11 A. He told me he had lots of conversations about 13:10:00
12 it. He was driving the spec. [REDACTED] was. 13:10:02
13 Q. So they were talking about lidar all the 13:10:06
14 time? 13:10:07
15 A. They talked -- no, they weren't talking about 13:10:08
16 lidar all the time. But they talked about various 13:10:10
17 suppliers, [REDACTED] you know, all the different kinds of 13:10:11
18 people that we assessed the technology of, the [REDACTED] [REDACTED]
19 [REDACTED] 13:10:18
20 Q. So what did Mr. [REDACTED] tell you about 13:10:21
21 Anthony Levandowski's development of lidar on behalf of 13:10:24
22 Uber or Otto? 13:10:28
23 A. Specifically, when I talked to him regarding 13:10:31
24 this, very little. But we've been working together on 13:10:32
25 this for the whole time. 13:10:35

1 So my preparation for this, my conversation 13:10:39
2 with [REDACTED] was very brief about this. 13:10:42
3 Q. And then, you spoke with Mr. [REDACTED] as well? 13:10:44
4 A. Uh-huh. 13:10:48
5 Q. What did Mr. [REDACTED] tell you about 13:10:48
6 Mr. Levandowski's involvement in the development of 13:10:51
7 lidar? 13:10:53
8 A. That Anthony's involvement in the development 13:10:53
9 of lidar was minimal in that he was in and out of the 13:10:56
10 office all the time and would provide a sense of 13:11:00
11 urgency and a cadence for getting minimum viable 13:11:05
12 products built, that the majority of the design and 13:11:10
13 specifics and details Anthony was not aware of. 13:11:16
14 Q. Was Anthony Levandowski a good engineer for 13:11:21
15 Uber? 13:11:24
16 A. Anthony wasn't an engineer at Uber. 13:11:28
17 Q. Did he provide any engineering input at all? 13:11:31
18 MR. HUME: Objection as outside the scope 13:11:36
19 unless it's within lidar. 13:11:37
20 Go ahead. 13:11:39
21 A. Yes, he did. He would give his, you know, 13:11:40
22 ideas on -- hey, how can we get there faster, or is 13:11:46
23 there a way to do that planner that was more efficient, 13:11:51
24 or maybe consider doing this -- using this team's 13:11:54
25 approach. 13:11:58

1 His role isn't to get into -- it's not like 13:12:00
2 he was doing touching CAD tools or doing, you know, 13:12:04
3 specified design work. He was providing the 13:12:06
4 inspiration and the motivation and the fierceness and 13:12:14
5 trying to pull the team to go as fast as possible. 13:12:20
6 His engineering was limited to -- he would, 13:12:23
7 you know, pop in here and there and have conversations 13:12:26
8 with people and test their approaches. 13:12:29
9 Q. He was in charge of the lidar development 13:12:32
10 effort. Right? 13:12:34
11 A. No. 13:12:35
12 Q. "No"? 13:12:35
13 A. No. I was in charge of the lidar development 13:12:36
14 effort. Anthony was in charge of ATG. 13:12:42
15 MR. HUME: Are we getting close to a break? 13:13:07
16 We've been going a little more than an hour now. 13:13:09
17 MR. JAFFE: Sure, if you'd like. 13:13:11
18 THE VIDEOGRAPHER: Going off the record, the 13:13:16
19 time is 1:12 p.m. 13:13:17
20 (Luncheon recess taken.) 13:56:21
21 THE VIDEOGRAPHER: This begins media 13:57:24
22 number 4. We are on the record. The time is 13:57:25
23 1:57 p.m. 13:57:29
24 MR. JAFFE: All right. This is going to be, 13:57:30
25 I think, 887, labeled UBER118203. 13:57:33

1 (Whereupon, Deposition Exhibit 887 was marked 13:57:41
2 for identification.) 13:57:41
3 MR. HUME: What did you say it is? 13:58:05
4 THE REPORTER: 887. 13:58:06
5 BY MR. JAFFE: 13:58:06
6 Q. Mr. Meyhofer, I've put an e-mail in front of 13:58:07
7 you dated December 10, 2015. 13:58:09
8 Do you see that? 13:58:13
9 A. Yes, I do. 13:58:14
10 Q. And the subject is, [REDACTED]." 13:58:15
11 Do you see that? 13:58:17
12 A. Uh-huh. 13:58:18
13 Q. And the first e-mail is from you, earlier in 13:58:18
14 the day, and it's an e-mail from you to [REDACTED] 13:58:21
15 Right? 13:58:24
16 A. That's correct. 13:58:26
17 Q. And you say, [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 13:58:36
21 Do you see that? 13:58:39
22 A. I do. 13:58:40
23 Q. What did you mean by your comparison of the 13:58:43
24 requirements that Mr. [REDACTED] was developing as a 13:58:48
25 recipe? 13:58:52

Page 148

1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] 14:00:21
4 MR. HUME: Objection. Same objection. 14:00:22
5 A. I was reminding him that it's an important 14:00:24
6 piece of information. Just not the vertical beam 14:00:26
7 spacing, but all of the work he had been doing for the 14:00:30
8 last year on lidar development. 14:00:32
9 Q. Would you agree that the vertical beam 14:00:36
10 spacings are a sort of recipe -- 14:00:38
11 MR. HUME: Objection. Same objection. 14:00:40
12 Q. -- for self-driving lidar? 14:00:41
13 A. I would agree that vertical beam spacing is 14:00:43
14 an important part of requirements and specifications 14:00:45
15 and -- yes. 14:00:47
16 [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] 14:01:01
21 Q. And then, later in the e-mail, you said -- 14:01:02
22 later in this e-mail thread you said: [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] 14:01:10
24 Do you see that? 14:01:13
25 A. Uh-huh. 14:01:14

Page 150

1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 14:02:31
8 Q. And -- okay. Would you agree that other 14:02:34
9 companies' specifications for self driving would be a 14:02:40
10 sort of recipe like the -- and have the value of the 14:02:46
11 Coca-Cola recipe? 14:02:50
12 MR. HUME: Objection to the form. 14:02:52
13 There's no way you can be tethered to the 14:02:53
14 scope with that question. I don't know why you 14:02:55
15 don't save it to the second part. 14:02:57
16 Object to form. Object, outside the scope. 14:03:00
17 A. I would agree that other specifications and 14:03:03
18 engineering information that companies develop that are 14:03:07
19 relevant to whatever machine they're trying to 14:03:10
20 accomplish is super valuable. 14:03:12
21 MR. JAFFE: This is going to be Exhibit 888. 14:03:40
22 It is Bates-numbered UBER147615. 14:03:49
23 (Whereupon, Deposition Exhibit 888 was marked 14:04:09
24 for identification.) 14:04:09
25 Q. Mr. Meyhofer, do you recognize what I've 14:04:11

1 placed in front of you as Exhibit 888? 14:04:13

2 A. I do. 14:04:16

3 Q. What is it? 14:04:18

4 A. It looks like an e-mail between [REDACTED] [REDACTED]
[REDACTED] 14:04:24

6 Q. And this is a discussion you were having in 14:04:31
7 December 2015? 14:04:33

8 A. Yes. 14:04:36

9 Q. Now, there's a reference from Mr. [REDACTED] to 14:04:47
10 [REDACTED] 14:04:52

11 Do you see that? 14:04:56

12 A. Uh-huh. 14:04:57

13 Q. What does that refer to? 14:04:58

14 MR. HUME: Objection. Form. Beyond the 14:05:00
15 scope. 14:05:04

16 A. So in the state of the art, when you're 14:05:10
17 building a robotic platform, how well it performs or 14:05:16
18 how reliable it is is a measure of, we'll say, safety 14:05:22
19 or reliability, and that whatever the state of the art 14:05:28
20 is, whatever the most reliable and most advanced one is 14:05:30
21 what you'll be compared to. And so whatever the most 14:05:34
22 reliable or advanced system at that time is considered 14:05:37
23 state of the art. 14:05:42

24 Q. So in December 2015, [REDACTED] [REDACTED]
[REDACTED] 14:05:47

1 [REDACTED] 14:05:50

2 MR. HUME: Same objection. 14:05:59

3 [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

12 Q. So if you look at what -- so [REDACTED] is a 14:07:04

13 person who's in this conversation. 14:07:08

14 A. Uh-huh. 14:07:10

15 Q. What was [REDACTED] role in December 2015 14:07:12

16 during this conversation? 14:07:16

17 MR. HUME: Same objection. Outside the 14:07:17

18 scope. 14:07:18

19 A. [REDACTED] would probably have been on the 14:07:19

20 strategy team at that time, or biz dev. But he wore 14:07:21

21 lots of hats, whatever he could do. 14:07:29

22 Q. Why was Mr. [REDACTED] referring to Google's 14:07:32

23 autonomous vehicle system including its lidar, in this 14:07:39

24 document that we've marked as Exhibit 888? 14:07:43

25 A. Well, I mean, we compare all of our systems. 14:07:47

Page 153

1 And he's comparing what another company does and how 14:07:50
2 they go about solving the problem, having a discussion 14:07:55
3 about how to measure capabilities, is what it appears. 14:07:58
4 Q. Uber is measuring its autonomous vehicle 14:08:13
5 effort and sensor suite against Google's at this point. 14:08:18
6 Right? 14:08:22
7 MR. HUME: Objection as outside the scope. 14:08:22
8 A. I think that's a fair assessment of this 14:08:25
9 conversation. 14:08:27
10 Q. And then, I want to go to the last response, 14:08:28
11 which is from you. And I'm going to skip towards the 14:08:30
12 end. You say, [REDACTED] [REDACTED] [REDACTED]
[REDACTED] 14:08:42
14 Do you see that? 14:08:44
15 A. Uh-huh. 14:08:48
16 Q. What are you referring to there? 14:08:51
17 MR. HUME: Objection as outside of the scope 14:08:54
18 of the 30(b)(6) topics. 14:08:56
19 A. I'm referring to the performance of their 14:08:58
20 autonomous vehicle. 14:09:02
21 Q. And then, you go -- next you say, [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] 14:09:24

1 Do you see that? 14:09:26

2 A. Uh-huh. 14:09:26

3 Q. Why did you say, in December 2015, [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 A. I think -- 14:09:36

7 MR. HUME: Objection as outside the scope. 14:09:37

8 A. I think it's important to remember that the 14:09:40

9 same people that built the Google program -- we all 14:09:43

10 grew up together. We all built these systems together. 14:09:48

11 And you know, Urmson, six months prior to me 14:09:50

12 writing this e-mail, had just given me a demo in their 14:09:53

13 cars and driven me around in it, and I knew how solid 14:09:57

14 it was. I was just in it. And you know, he used to 14:10:01

15 work down the hall from me. And Bryan Salesky -- [REDACTED] [REDACTED]

16 [REDACTED] We all come 14:10:10

17 from the same place, and we've all been doing this the 14:10:14

18 same way. 14:10:15

19 There are two real approaches to autonomous 14:10:15

20 vehicles, the engineered approach, which Google takes 14:10:18

21 and we take; and then, there's an approach that hasn't 14:10:21

22 yet been proven to be capable, which is what Elon is 14:10:23

23 proposing, which is the complete learning approach. 14:10:25

24 So of course, we'll have a similar approach. 14:10:30

25 We -- our careers grew up together, doing this. 14:10:33

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1 Q. So when you said that Uber will have a very 14:10:42
2 similar solution to the Google self-driving system, 14:10:47
3 you're referring to the fact that you knew some of the 14:10:51
4 people that worked there? 14:10:56

5 A. No. The approach that the people that I know 14:10:57
6 are taking there is the same kind of approach, [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 14:11:12

11 Q. So Uber was taking the same approach that 14:11:16
12 Google was taking? 14:11:18

13 A. As far as I could construe. 14:11:20

14 Q. And the result was going to be a very similar 14:11:23
15 self-driving solution. Is that right? 14:11:26

16 MR. HUME: Objection as outside the scope. 14:11:28

17 A. I don't know about the result, but in periods 14:11:32
18 of time. 14:11:36

19 Q. That's what you said here, [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 14:11:44

23 At first because we do it the same way at 14:11:46
24 that time. 14:11:49

25 Remember, this team -- we've been doing 14:11:52

Page 156

1 autonomous vehicles -- I mean, the CMU team that we 14:11:55
2 built this with, their first autonomous vehicle went to 14:11:59
3 from Pittsburgh to LA in 1995. The ways you do this 14:12:03
4 are quite known. 14:12:06
5 Q. So you later say, [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED]
7 [REDACTED] " 14:12:19
8 Do you see that? 14:12:20
9 A. Uh-huh. 14:12:21
10 Q. Why were you referencing [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED] 14:12:30
14 A. Well, so someone's also compared; this is the 14:12:31
15 person that's got state of the art, some technology. 14:12:33
16 And this is me saying that we will assume 14:12:36
17 leadership of state of the art at some point. You 14:12:39
18 know, we're almost a year old here. 14:12:41
19 Q. When you were describing Uber as going to 14:12:56
20 have a very similar solution, at first, to the Google 14:12:59
21 self-driving system, what did you understand their 14:13:04
22 lidar capabilities to be for the purposes of this 14:13:06
23 comparison that you made here, in Exhibit 888? 14:13:10
24 MR. HUME: Objection as beyond the scope of 14:13:13
25 the 30(b)(6) topics. 14:13:15

1 A. I didn't know anything about the performance 14:13:17
2 characteristics of their lidar. 14:13:20
3 Q. Did Anthony Levandowski have lidar experience 14:13:27
4 when Uber hired him? 14:13:30
5 A. Yes, he did. 14:13:32
6 Q. What experience? 14:13:34
7 A. I think he worked with Topcon during his days 14:13:41
8 at 510 Systems and then with Velodyne and then with 14:13:48
9 Google on their lidar and then with Otto, to some 14:13:53
10 extent. 14:14:01
11 Q. What do you mean, "to some extent"? 14:14:03
12 A. Well, I mean, in the beginning, till I took 14:14:05
13 over hardware. 14:14:08
14 MR. JAFFE: This is going to be 889. This is 14:14:24
15 labeled UBER115395. 14:14:27
16 (Whereupon, Deposition Exhibit 889 was marked 14:14:30
17 for identification.) 14:14:30
18 Q. Mr. Meyhofer, do you see I've marked a text 14:14:52
19 message with a time stamp of May 18, 2016? 14:14:55
20 A. I do. 14:14:58
21 Q. And it's from Mr. [REDACTED] to you. 14:15:00
22 At this point in time, May 18, 2016, what is 14:15:05
23 your position at Uber? 14:15:07
24 MR. HUME: Objection as outside the scope. 14:15:10
25 Personal deposition again. 14:15:13

Page 158

1 A. I was the head of hardware. 14:15:14

2 Q. What was Mr. [REDACTED] 14:15:16

3 A. He was the director of ATG -- or ATC at the 14:15:18

4 time, I guess. 14:15:22

5 Q. Mr. Bares is saying, [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED] 14:15:30

8 Do you see that? 14:15:32

9 A. Yes, I do. 14:15:32

10 Q. "Laser," that refers to lidar. Right? 14:15:33

11 A. Yes, it does. 14:15:35

12 Q. Why was Mr. [REDACTED] asking if you're [REDACTED] [REDACTED]

13 [REDACTED] here on May 18, 2016? 14:15:39

14 MR. HUME: Objection. Outside the scope. 14:15:46

15 A. I don't know about the -- is it the "again" 14:15:51

16 word? Is that what you're asking about? 14:15:54

17 Q. I'm asking why -- what is this about? 14:15:55

18 A. This is about [REDACTED] delivering a 14:15:59

19 specification to Anthony as to the performance 14:16:02

20 attributes of a laser. 14:16:07

21 Q. What lidar work were you doing with Anthony 14:16:09

22 Levandowski that's referred to in this text message? 14:16:13

23 A. That's what it is. It's -- we had written a 14:16:17

24 spec. We needed to ensure that the delivery of the 14:16:22

25 spec was possible by Anthony. 14:16:26

1 Anthony made claims that we didn't believe he 14:16:28
2 could meet. We didn't believe he could deliver the 14:16:30
3 laser that we asked for, because it was really hard. 14:16:33
4 And so we were working with him to ensure that they 14:16:36
5 were -- a team was going to be able to deliver it. 14:16:38
6 Q. And Anthony Levandowski had no technical 14:16:40
7 feedback. Is that right? 14:16:43
8 A. I don't think that's fair to say. 14:16:50
9 Q. He did have technical feedback? 14:16:52
10 A. Yes. 14:16:54
11 Q. So Anthony Levandowski was providing 14:16:55
12 technical feedback in response to Uber's providing of 14:16:57
13 specifications? 14:17:03
14 A. He would give commentary to [REDACTED] and say: 14:17:05
15 Do you really need that? That's super hard, and it's 14:17:07
16 going to take a long time. 14:17:10
17 Q. What else? 14:17:11
18 A. They would probably discuss [REDACTED] 14:17:15
19 requirements and Anthony would press him and ask if you 14:17:20
20 really need to see something this far away, of this 14:17:23
21 size, and try to get the spec to be easier to meet. 14:17:26
22 Q. You said "probably." 14:17:30
23 Do you know that they discussed that, or are 14:17:32
24 you speculating? 14:17:33
25 A. I do know. I don't recall all the details of 14:17:34

1 the conversation, though. 14:17:36

2 Q. So other than that discussion or that type of 14:17:40

3 discussion, what other lidar work was Anthony 14:17:46

4 Levandowski working on with you guys, Uber? 14:17:49

5 A. I don't think any. None that I can recall. 14:17:58

6 Q. Do you remember Anthony Levandowski providing 14:18:09

7 detailed specifications or for what type of [REDACTED] [REDACTED]

8 [REDACTED] 14:18:19

9 A. I do remember him -- [REDACTED] [REDACTED]

10 [REDACTED] I 14:18:31

11 believe they were [REDACTED] 14:18:34

12 MR. JAFFE: Let's go ahead and mark this. 14:18:44

13 This is going to be 890, UBER6645. 14:18:46

14 (Whereupon, Deposition Exhibit 890 was marked 14:18:50

15 for identification.) 14:18:50

16 Q. Mr. Meyhofer, this is an e-mail dated 14:19:06

17 November 4, 2016. 14:19:08

18 Do you see that? 14:19:11

19 A. I do. 14:19:14

20 Q. At this point, Mr. Levandowski -- he's head 14:19:16

21 of Uber ATG. Right? 14:19:20

22 A. Uh-huh. 14:19:22

23 Q. You are head of hardware? 14:19:23

24 A. Uh-huh. 14:19:25

25 Q. And Mr. Levandowski is replying to an e-mail 14:19:29

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1 from Mr. [REDACTED] 14:19:37

2 Do you see that? 14:19:41

3 A. Uh-huh. 14:19:42

4 Q. About buying fiber lasers. Right? 14:19:43

5 A. Uh-huh. 14:19:45

6 Q. Is that correct? 14:19:45

7 A. Uh-huh. 14:19:45

8 Q. Can you answer audibly, please. 14:19:46

9 A. Oh, yes I'm sorry. It is correct. 14:19:48

10 Q. And Mr. [REDACTED] -- he had gone out and put 14:19:50

11 together an order to buy these from [REDACTED] Right? 14:19:54

12 A. That's right. 14:19:58

13 Q. Mr. Levandowski -- he then responds, [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] Do you see that? 14:20:28

20 A. I do. 14:20:29

21 Q. So here, in November 2016, Mr. Levandowski 14:20:30

22 was [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 14:20:41

24 A. In this e-mail, he is doing that, yes. 14:20:43

25 Q. Where did these specifications come from? 14:20:45

1 A. I think he may have known the [REDACTED] and 14:20:51
2 was working with them on a new laser that they were 14:20:58
3 developing. 14:21:07
4 Q. Where did Mr. Levandowski know the [REDACTED] [REDACTED]
5 [REDACTED]s from? 14:21:12
6 A. I do not know. 14:21:13
7 I do know that this isn't something we use, 14:21:13
8 but I don't know how he knew these people. 14:21:16
9 Q. Are you aware whether he knew them from his 14:21:21
10 time at Google? 14:21:23
11 A. Oh, no, I'm not aware. 14:21:24
12 Q. Are you aware whether these specifications 14:21:26
13 came from Mr. Levandowski's work at Google? 14:21:28
14 MR. HUME: Objection as outside the scope. 14:21:30
15 A. I have no knowledge that they came from 14:21:32
16 anything to do with Google. 14:21:33
17 Q. Where did these numbers come from? 14:21:35
18 A. I don't know. 14:21:38
19 I think it's important to -- we don't use 14:21:40
20 this. 14:21:42
21 Q. You have no idea where Mr. Levandowski got 14:21:46
22 these numbers -- these specifications here in 14:21:48
23 Exhibit 890. Is that fair? 14:21:50
24 A. Probably -- 14:21:52
25 MR. HUME: Objection as outside the scope. 14:21:52

Page 163

Page 164

1 is his love. 14:23:26

2 Q. He was there, working for free? 14:23:29

3 A. What do you mean? 14:23:34

4 Q. You said, "This is his love." 14:23:35

5 I mean, he was there as part of his job. 14:23:37

6 Right? 14:23:39

7 A. Right. 14:23:40

8 Q. So he came and he was at the short-range 14:23:41

9 sensor plan meeting as part of this job, 14:23:43

10 Mr. Levandowski. Right? 14:23:46

11 A. Yes. 14:23:47

12 Q. Okay. And what was Mr. Levandowski's 14:23:48

13 contribution to this meeting in February 2017? 14:23:51

14 A. I think it would be the same as usual. His 14:23:59

15 focus was always on things that were very practical and 14:24:03

16 not super challenging. How do you make something more 14:24:07

17 common sense based, because these engineers tend to 14:24:11

18 rabbit hole. 14:24:15

19 Q. Did Mr. Levandowski ever provide feedback for 14:24:16

20 the sensing team on specific cases that the sensor 14:24:20

21 needed to be able to sense, such as like a kid lying 14:24:24

22 next to the ground or something like that? 14:24:28

23 A. Sure. 14:24:30

24 Q. That was a regular part of his job? 14:24:31

25 A. No, not a regular part of this job. By no 14:24:33

Page 165

1 means a regular part of his job. 14:24:36

2 Q. But it was something that he regularly did? 14:24:38

3 A. No, it is not something that he regularly 14:24:39

4 did. 14:24:41

5 Q. But it was something that he did do? 14:24:41

6 A. It is something that happened on occasion, 14:24:44

7 but not very frequently. 14:24:45

8 Q. Where do you think he got those sensing cases 14:24:46

9 from? 14:24:50

10 A. Well, so often, it's a conversation about how 14:24:50

11 we're proposing we do it, and it's a test of 14:24:54

12 sensibility. Do you really think it makes sense to do 14:24:58

13 it like that, or do you think it make more sense to do 14:25:01

14 it like that? So it's a discussion in the room. 14:25:04

15 Q. Were there any times when Mr. Levandowski 14:25:06

16 would say that the lidar needs to handle the following 14:25:08

17 case? 14:25:11

18 A. I can't recall. 14:25:15

19 Q. Did that ever happen? 14:25:17

20 A. I can't recall. 14:25:18

21 Q. Okay. Why don't we look at this document. 14:25:19

22 And you see, about the fourth from the bottom -- you 14:25:23

23 see it says, "AL." 14:25:26

24 Does that refer to Mr. Levandowski? 14:25:27

25 A. Uh-huh. 14:25:28

1 Q. And then it says, [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 14:25:36
4 Do you see that? 14:25:36
5 A. Uh-huh. 14:25:37
6 Q. What does that refer to? 14:25:38
7 A. So in this analysis, that would have been 14:25:39
8 this design review, those situations would have been 14:25:40
9 presented as: What things should we be focusing on? 14:25:43
10 He would be emphasizing those things. 14:25:47
11 Q. Where did he get the [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 14:25:55
13 MR. HUME: Objection. Outside the scope. 14:25:57
14 A. It could have come from [REDACTED] presentation 14:25:59
15 and -- 14:26:01
16 Q. I'm not asking where it could have come from. 14:26:03
17 MR. HUME: Please let him finish his answer. 14:26:06
18 Q. I'm asking: Where did it come from? 14:26:08
19 A. I do not recall where this came from in this 14:26:10
20 particular meeting. 14:26:13
21 Q. Are there any other so-called [REDACTED] 14:26:18
22 that Mr. Levandowski specified that these sensors 14:26:20
23 needed to be able to handle? 14:26:27
24 [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] And he would be 14:26:32

1 reviewing these and saying, what did you think of this 14:26:35
2 one, or does this make sense, and just, from time to 14:26:39
3 time, testing an engineer. 14:26:41
4 His exposure to the engineering team, as head 14:26:44
5 of ATG, wasn't very high, so whenever he had the 14:26:46
6 opportunity to participate, he would participate, if he 14:26:50
7 could. 14:26:52
8 Q. So how many other times did Mr. Levandowski 14:26:54
9 provide these sorts of sensing cases to the Uber sensor 14:26:59
10 team? 14:27:04
11 A. I do not know. 14:27:05
12 Q. More than a dozen? 14:27:07
13 A. I do not know. 14:27:10
14 Q. Was it once a week? 14:27:11
15 A. He was in Pittsburgh for one day -- one week 14:27:15
16 a month, so not very often. 14:27:17
17 Q. So maybe five times a month. Is that fair? 14:27:19
18 A. I wouldn't imagine it being that high. 14:27:27
19 Q. Couple times a month? 14:27:29
20 MR. HUME: Objection to the form. Calls for 14:27:33
21 speculation. 14:27:35
22 A. I'm guessing. 14:27:35
23 Q. What about for him providing that information 14:27:36
24 to Otto? 14:27:40
25 A. I don't know why he would provide that 14:27:45

1 information to Otto. They didn't do this sort of 14:27:47
2 stuff. 14:27:49
3 Q. You don't know whether he provided these 14:27:49
4 kinds of sensing use cases to the software team at 14:27:52
5 Otto? 14:27:55
6 A. I don't know that he did. 14:27:57
7 Q. You're not prepared to testify about that 14:28:00
8 today, though. Right? 14:28:02
9 A. About whether or not he provided sense cases 14:28:04
10 to Otto? 14:28:05
11 Q. Yes. 14:28:07
12 A. No, I don't know if he did. I wouldn't -- 14:28:07
13 I'm not prepared to discuss that. I don't know. 14:28:09
14 That's what I'll tell you over and over. I 14:28:11
15 don't know. I don't know. 14:28:14
16 MR. JAFFE: This will be 892, Bates number 14:28:38
17 UBER13332. 14:28:44
18 (Whereupon, Deposition Exhibit 892 was marked 14:28:46
19 for identification.) 14:28:46
20 Q. Exhibit 892 is an e-mail from [REDACTED] 14:29:05
21 to you and Anthony Levandowski. Correct? 14:29:07
22 A. Yes, it is. 14:29:09
23 Q. And Mr. [REDACTED] in this e-mail, is asking 14:29:12
24 you and Anthony Levandowski to help him prioritize his 14:29:16
25 work with a [REDACTED] versus other lidar 14:29:20

1 work. Is that fair? 14:29:24

2 A. Yeah -- hold on one second. Let me read it. 14:29:26

3 Yes. 14:29:34

4 Q. Why was Mr. [REDACTED] e-mailing you and 14:29:36

5 Mr. Levandowski to help prioritize his lidar work? 14:29:40

6 A. Because [REDACTED] didn't agree that we should be 14:29:43

7 paying attention to the [REDACTED] when compared to 14:29:49

8 other priorities of our work, and Anthony was so 14:29:53

9 excited about [REDACTED] and thought 14:30:00

10 that it was state of the art and the most revolutionary 14:30:03

11 laser in the world and [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

16 And [REDACTED] was saying, hey, it's going to cost 14:30:23

17 me -- I'm going to have to do other things. And so the 14:30:26

18 three of us sort of had a disagreement on how to 14:30:30

19 resource allocated time. 14:30:32

20 Q. My question was a little bit simpler, 14:30:35

21 hopefully, which is: Why did Mr. [REDACTED] -- why would 14:30:37

22 he e-mail you and Anthony as opposed to anyone else? 14:30:41

23 A. Because Anthony introduced [REDACTED] and me to 14:30:48

24 [REDACTED] 14:30:52

25 Q. Because Anthony was involved in the [REDACTED] 14:30:54

Page 171

1 problem? 14:32:23

2 A. [REDACTED]

3 [REDACTED] 14:32:25

4 A. Yes. 14:32:27

5 Q. The next sentence says, [REDACTED]

6 [REDACTED]

7 [REDACTED] 14:32:35

8 Do you see that? 14:32:39

9 A. Uh-huh. 14:32:40

10 Q. What does that mean? 14:32:40

11 A. Again, it's all about perception team. 14:32:41

12 They're the final customer for laser. And if the 14:32:43

13 perception team doesn't like the data, it doesn't 14:32:46

14 matter. 14:32:48

15 Q. Did [REDACTED] solve these hard problems that 14:32:50

16 Anthony pointed out to them? 14:33:02

17 A. Not yet, or at least not to my knowledge. 14:33:03

18 [REDACTED] 14:33:08

19 Q. During -- I want to break this down. When 14:33:45

20 Otto was not yet acquired by Uber -- 14:33:49

21 A. Okay. 14:33:54

22 Q. -- Mr. Levandowski was directly involved in 14:33:54

23 Otto's lidar development. Right? 14:33:59

24 A. Yes, I believe that's accurate. 14:34:02

25 Q. He provided design input on the whole stack 14:34:05

1 of lidar development. Right? 14:34:09

2 MR. HUME: Objection to the form. 14:34:11

3 A. That isn't how [REDACTED] tells me it went. But 14:34:13

4 he would have had involvement. 14:34:16

5 Q. What do you mean, "That isn't how [REDACTED] tells 14:34:21

6 me it went"? 14:34:23

7 A. The Spider was essentially -- they acquired 14:34:26

8 Tyto, which is [REDACTED] and his team, and took the Tyto 14:34:28

9 IP, the Tyto -- we call it a [REDACTED] [REDACTED]

10 [REDACTED] That 14:34:35

11 was the Spider. 14:34:40

12 And Anthony's steer and guidance was, get 14:34:42

13 something built as fast as possible. We need a minimum 14:34:45

14 viable product as fast as possible. That was his -- 14:34:48

15 that was his jam. 14:34:51

16 Q. Are you aware that Anthony Levandowski 14:34:53

17 designed the optical layout for Spider? 14:34:54

18 A. I'm not aware of that. 14:34:57

19 Q. So you're not aware that he provided the 14:34:59

20 sketches that formed the basis for the optical design 14:35:02

21 of Spider? 14:35:04

22 A. I'm not aware of that. 14:35:07

23 Q. Did the Tyto lidar design -- [REDACTED] [REDACTED]

24 [REDACTED] 14:35:20

25 MR. HUME: Object to the form. Outside the 14:35:27

1 scope. 14:35:28

2 A. I don't remember. 14:35:29

3 MR. HUME: Objection. 14:35:30

4 A. I don't remember. I believe it did, but I do 14:35:33

5 not remember. 14:35:35

6 Q. You believe it did? 14:35:36

7 A. I don't remember, though. 14:35:40

8 Q. Where did the fiber laser -- [REDACTED] [REDACTED]

9 [REDACTED] in Tyto come from? 14:35:48

10 A. I thought it came from [REDACTED] 14:35:50

11 Q. Are you aware of any interaction between 14:35:52

12 Mr. [REDACTED] and Mr. Levandowski leading up to that 14:35:55

13 development? 14:35:58

14 A. I wasn't aware that [REDACTED] and Anthony had 14:35:58

15 ever met during Tyto. 14:36:01

16 Q. Are you aware of that now? 14:36:03

17 A. It has been brought to my attention -- 14:36:04

18 Q. Did you -- 14:36:08

19 A. -- during this case. 14:36:08

20 Q. Did you investigate, for purposes of 14:36:10

21 testifying on behalf of the company with regard to 14:36:13

22 topic number 1, Mr. Levandowski's contribution to the 14:36:19

23 fiber laser design at Tyto? 14:36:24

24 A. No, I didn't. We abandoned that design. 14:36:27

25 Q. So you're not aware of -- you're not prepared 14:36:30

1 to testify regarding Mr. Levandowski's contribution to 14:36:33
2 that design? 14:36:37

3 A. Not beyond what [REDACTED] and I had discussed, 14:36:39
4 which was that Anthony's main contribution value-add 14:36:42
5 was accelerant. 14:36:45

6 Q. When he was at Tyto? 14:36:48

7 A. I don't know about when he was at Tyto. When 14:36:49
8 he was at Otto. 14:36:51

9 Q. So Mr. [REDACTED] omitted from your discussion 14:36:52
10 the interactions that he had with Anthony Levandowski 14:36:56
11 when he was at Tyto. Is that right? 14:36:58

12 MR. HUME: Object to the form. 14:37:00

13 A. I was not aware of them. We never discussed 14:37:01
14 it directly. 14:37:04

15 I don't know that you could say it was an 14:37:05
16 omission. We just didn't talk about it. 14:37:06

17 Q. And you're not aware of it, sitting here 14:37:08
18 today? 14:37:11

19 A. I'm not aware of the nature of Anthony's 14:37:11
20 involvement in Tyto. I am aware that I've heard, 14:37:14
21 through this, that there's been some sort -- that there 14:37:16
22 was some sort of history, that Anthony knew -- Anthony 14:37:19
23 knew Tyto. 14:37:23

24 And [REDACTED] and I had been to Tyto, [REDACTED] [REDACTED]
[REDACTED] at Uber and met [REDACTED] and 14:37:27

1 thought: Hmm, interesting, but I don't really think 14:37:31
2 that's a good fit for us. 14:37:34
3 And evidently, from -- what I've heard is 14:37:36
4 that, around the same time, that there was some 14:37:38
5 involvement with Anthony there, but I don't know the 14:37:40
6 nature of it. 14:37:42
7 Q. Did you -- are you aware that Tyto Lidar was 14:37:45
8 working out of a building that Anthony Levandowski 14:37:47
9 owned? 14:37:50
10 A. I am not aware of that. 14:37:50
11 Q. Are you aware that [REDACTED] interviewed 14:37:51
12 with Anthony Levandowski when he was going to get a job 14:37:54
13 at Tyto? 14:37:57
14 MR. HUME: Objection as outside the scope. 14:37:58
15 A. I was not aware of that. 14:38:00
16 Q. Are you aware that Anthony Levandowski drew a 14:38:02
17 fiber laser design for [REDACTED] when he was working 14:38:07
18 at Tyto? 14:38:12
19 MR. HUME: Objection as outside the scope. 14:38:13
20 A. No. I'm not aware of that. 14:38:15
21 Q. Does that surprise you? 14:38:17
22 A. Anthony's one of the smartest people I've 14:38:23
23 ever met. It doesn't surprise me that he has that 14:38:26
24 capability. And Anthony knows a lot of people. So no, 14:38:28
25 it doesn't surprise me. 14:38:31

1 Q. It doesn't surprise you that he was 14:38:35
2 designing -- or drawing fiber laser designs for other 14:38:39
3 companies that you didn't know he was involved in? 14:38:43
4 MR. HUME: Objection to the form. Objection 14:38:48
5 as outside the scope. 14:38:50
6 A. It does not. 14:38:52
7 Q. If he was employed as head of Uber ATG and he 14:38:53
8 were to go and design fiber laser schematics for 14:38:57
9 someone else, would that surprise you? 14:39:01
10 MR. HUME: Objection to the form. Objection 14:39:03
11 as outside the scope. 14:39:05
12 A. It would surprise me because we didn't have 14:39:07
13 that arrangement. 14:39:15
14 Q. What do you mean? 14:39:16
15 A. An arrangement where he would be doing design 14:39:17
16 work outside of Uber. 14:39:20
17 Q. None of the interactions between Anthony 14:39:24
18 Levandowski and Mr. [REDACTED] -- Mr. [REDACTED] didn't mention 14:39:26
19 any of them when you talked to him in preparation for 14:39:31
20 your testimony on topic number 1, did he? 14:39:33
21 A. No, he didn't. 14:39:36
22 MR. HUME: Objection to form. 14:39:37
23 Q. Okay. Mr. [REDACTED] did he disclose to you 14:39:38
24 any conversations that he had with Anthony Levandowski 14:39:44
25 regarding beam spacing? 14:39:47

Page 177

1	A. [REDACTED] gave Anthony detailed specifications as	14:39:54
2	to what the beam spacing needed to be. I'm aware of	14:39:57
3	that.	14:40:02
4	Q. Did -- sorry.	14:40:02
5	A. I was aware of that.	14:40:03
6	Q. Did the beam spacings change as a result of	14:40:04
7	[REDACTED] discussions with Anthony Levandowski?	14:40:08
8	A. I don't know.	14:40:11
9	Q. You didn't research that in preparation for	14:40:12
10	your testimony today?	14:40:14
11	A. I don't -- no, I did not.	14:40:15
12	Q. So you can't tell me, sitting here today,	14:40:17
13	whether Anthony Levandowski had any level of	14:40:19
14	contribution into the vertical beam spacings developed	14:40:22
15	by Uber and put into the Fuji lidar. Is that fair?	14:40:26
16	A. "Any contribution" is a very big descriptor.	14:40:33
17	A discussion could be considered a contribution.	14:40:40
18	Q. It could.	14:40:44
19	A. [REDACTED] drove that aspect of our design.	14:40:45
20	Q. I appreciate that answer, but I'm just	14:40:51
21	trying -- I want to make sure I get an answer to this	14:40:53
22	specific question that I asked, which is: Sitting here	14:40:55
23	today on behalf of Uber and Otto, can you tell me	14:40:58
24	whether Anthony Levandowski contributed to the vertical	14:41:01
25	beam spacings that were eventually put into the Fuji	14:41:05

1 lidar? 14:41:09

2 A. No, I can't tell you. 14:41:11

3 Q. Okay. All right. Did you try to talk to 14:41:15

4 Anthony Levandowski in preparation for your deposition 14:41:22

5 today? 14:41:24

6 A. No, I did not. 14:41:25

7 Q. Are you guys still on friendly terms? 14:41:27

8 A. Yes, we are. 14:41:30

9 Q. Why didn't you call him? 14:41:31

10 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

17 MR. HUME: Objection as outside the scope. 14:41:49

18 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

22 MR. HUME: Objection as outside the scope. 14:42:00

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] 14:42:14

1 [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED] 14:42:21
3 Q. So we talked about Anthony's time -- Anthony 14:42:32
4 Levandowski's time at Otto. 14:42:36
5 And I believe you testified that you can't 14:42:39
6 say what level of contribution he had to lidar 14:42:42
7 development during that period. Is that fair? 14:42:45
8 MR. HUME: Objection to the form and to the 14:42:48
9 characterization of the testimony. 14:42:52
10 A. It's fair to say that we don't use anything 14:42:54
11 from that time in our current design. 14:42:56
12 Q. My question was a little bit different. Can 14:42:59
13 you tell me what was Anthony Levandowski's involvement 14:43:02
14 in the development of lidar when Otto was still, 14:43:06
15 ostensibly, a separate company? 14:43:10
16 A. The only thing I can give you is the 14:43:12
17 information from [REDACTED] 14:43:14
18 Q. Other than that, you have -- 14:43:15
19 A. No. 14:43:16
20 Q. Now, going to -- going to at Uber -- 14:43:26
21 A. Okay. 14:43:29
22 Q. -- what was Mr. Levandowski's involvement in 14:43:29
23 lidar? 14:43:40
24 A. I ran the lidar development program at Uber, 14:43:42
25 and Anthony's involvement would be fair to describe as 14:43:45

1 limited to hallway conversations and enthusiastic ideas 14:43:50
2 about schedule and how can we do it simpler or faster. 14:43:55
3 MR. JAFFE: 893? 14:44:12
4 THE REPORTER: Yes. 14:44:14
5 MR. JAFFE: We'll mark this as Exhibit 893. 14:44:14
6 It's UBER76605. 14:44:16
7 (Whereupon, Deposition Exhibit 893 was marked 14:44:18
8 for identification.) 14:44:18
9 Q. Mr. Meyhofer, do you see that this reflects a 14:44:34
10 meeting invite for June 29, 2016? 14:44:36
11 A. Uh-huh. 14:44:41
12 Q. And you were the organizer of this meeting, 14:44:42
13 according to this invite that we marked as Exhibit 893? 14:44:47
14 A. Yes. 14:44:55
15 Q. And one of the people on this meeting is 14:44:57
16 [REDACTED] 14:44:59
17 A. It's TonyO. 14:45:05
18 Q. TonyO. I see. 14:45:06
19 Who does that refer to? 14:45:08
20 A. Anthony. 14:45:10
21 Q. And why did he go by "TonyO"? 14:45:11
22 A. I don't know, especially since he doesn't 14:45:17
23 like the name Tony. I don't know why. 14:45:20
24 Q. Why did he use this e-mail address instead of 14:45:22
25 his other e-mail addresses? 14:45:25

1 MR. HUME: Objection as outside the scope. 14:45:29

2 Objection to the form. It calls for speculation. 14:45:31

3 A. At this point, that would likely have 14:45:35

4 appeared as an autofill when you typed "Anthony," and 14:45:38

5 it just used a previous e-mail address that referenced 14:45:42

6 against "Anthony." 14:45:45

7 Q. Was this address used to conceal Anthony 14:45:47

8 Levandowski's involvement with Uber? 14:45:50

9 MR. HUME: Objection as outside the scope. 14:45:53

10 A. No, not that I am aware of. 14:45:54

11 Q. Do you see that it reflected that someone 14:45:58

12 accepted this invitation, right above where it says 14:45:59

13 "Laser Beam Pattern Sync"? 14:46:08

14 A. Yes. Yes. Yes. Yes. 14:46:10

15 Q. Do you see it refers to someone called "ATC 14:46:12

16 Consultant"? 14:46:14

17 A. Yes. 14:46:14

18 Q. That, again, refers to Mr. Levandowski. 14:46:17

19 Right? 14:46:19

20 MR. HUME: Objection to form. 14:46:20

21 A. That's right. 14:46:20

22 Q. So he was going by a code name of "ATC 14:46:21

23 Consultant" for purposes of this meeting. Right? 14:46:24

24 A. No. 14:46:26

25 MR. HUME: Objection to the form. 14:46:27

Page 182

1 Q. Why doesn't it say "Anthony Levandowski" 14:46:27
2 here? 14:46:29
3 A. The ATC consultant is what he was when we 14:46:32
4 brought him on originally. He was a consultant. And 14:46:35
5 this e-mail address would have likely had that 14:46:38
6 descriptor pointed to that address. And so when he 14:46:44
7 accepted it, it just autofills that descriptor. 14:46:47
8 Q. And he used the name TonyO, even though he 14:46:52
9 didn't like the name Tony? 14:46:56
10 MR. HUME: Objection as outside the scope. 14:46:58
11 A. I don't know how he came up with "TonyO." 14:46:59
12 Q. What does "O" refer to? 14:47:02
13 MR. HUME: Objection. Outside the scope. 14:47:04
14 A. I don't know. 14:47:05
15 Q. Let's talked about the actual meeting here, 14:47:08
16 that you scheduled on June 20, 2016 [sic] with 14:47:10
17 Mr. Levandowski. 14:47:14
18 Why did you schedule this meeting? 14:47:16
19 MR. HUME: Objection. Outside the scope. 14:47:22
20 A. Probably to get us synced and all on the same 14:47:26
21 page. 14:47:31
22 [REDACTED] is mechanical engineering lead who 14:47:32
23 reported to me and would have been doing the design 14:47:37
24 work -- actually, he wouldn't have been doing the 14:47:43
25 design work. 14:47:47

1 I don't recall. 14:47:48

2 Q. What did you and Mr. Levandowski discuss 14:47:50

3 during the laser beam pattern sync? 14:47:52

4 A. I don't recall the meeting. 14:47:56

5 MR. JAFFE: All right. This will be 14:48:29

6 Exhibit 894. It is UBER65221. 14:48:31

7 (Whereupon, Deposition Exhibit 894 was marked 14:48:39

8 for identification.) 14:48:39

9 Q. This refers to a meeting called "Birdhouse 14:48:55

10 Jam" on February 23, 2017. Is that right? 14:48:58

11 A. Yes, it does. 14:49:07

12 Q. All right. And if we can go back to 14:49:09

13 Exhibit 886 for a moment -- 14:49:12

14 A. Yes. 14:49:20

15 Q. -- what I referred to as the lidar log 14:49:21

16 earlier, if you go to -- it's not on here. 14:49:25

17 What happened at this meeting -- 14:49:58

18 MR. HUME: Objection. Outside the scope. 14:50:00

19 Q. -- Exhibit 844? 14:50:01

20 A. 894? 14:50:04

21 Q. 894. Excuse me. Thank you. 14:50:06

22 MR. HUME: Objection. Outside the scope. 14:50:09

23 A. Birdhouse jam was a recurring meeting that TK 14:50:11

24 held, or Travis held. [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 14:50:20

1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED]
4 [REDACTED] 14:50:37
5 Birdhouse jam was a strategic jam session 14:50:37
6 where we would get together and talk about ideas on how 14:50:43
7 to bring this technology to scale, [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] 14:51:12
12 Q. Did you discuss lidar at these birdhouse jam 14:51:17
13 meetings? 14:51:21
14 A. From time to time, Travis would ask me where 14:51:22
15 we were on lidar, yeah. 14:51:28
16 Q. Travis would ask -- Travis Kalanick would ask 14:51:29
17 you where you were on lidar? 14:51:33
18 A. Where I was, yes. 14:51:35
19 Q. Why would Travis Kalanick, the then CEO of 14:51:36
20 Uber, be asking you about the status of lidar? 14:51:41
21 A. I mean, he asked me about the status of a 14:51:47
22 [REDACTED] as well. He asked -- it was the time 14:51:52
23 where we got together and talked about the components 14:51:57
24 of the vehicle and how they would -- 14:52:00
25 Q. Lidar was an important component. Is that 14:52:03

1 fair? 14:52:05

2 A. It was and -- it is an important component. 14:52:06

3 Q. It's important enough that the CEO of Uber 14:52:09

4 was going to ask you about it? 14:52:12

5 A. The CEO of Uber asks me about my dog, too. 14:52:19

6 Q. So that doesn't answer my question at all, 14:52:25

7 not to denigrate your dog at all, but -- lidar is 14:52:27

8 important enough that the CEO was asking you about it? 14:52:34

9 MR. HUME: Objection to form. 14:52:39

10 A. Yes. It is important enough that we discuss 14:52:43

11 it in the jam session, yes. 14:52:45

12 Q. And the CEO specifically asked you about it. 14:52:47

13 He raised it. That's what you said. Right? 14:52:50

14 A. We would discuss it, yes. 14:52:53

15 Q. And Travis Kalanick, the CEO -- then CEO of 14:52:54

16 Uber, he would bring up lidar? 14:52:58

17 MR. HUME: Objection to form. Objection as 14:53:00

18 outside the scope as well. 14:53:04

19 A. I don't know, necessarily, if he would bring 14:53:08

20 it up or if I would bring it up, but we would discuss 14:53:09

21 it. [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 14:53:22

24 Q. Did Anthony Levandowski ever provide input 14:53:25

25 regarding lidar during these meetings? 14:53:28

25	A. Birdhouse?	14:54:37
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Page 188

1 [REDACTED] 14:56:27

2 I don't know what this meeting was. That's 14:56:32

3 what I'm guessing, based on this audience. 14:56:35

4 Q. I hear you guessing. I want to talk about -- 14:56:37

5 I want to take guessing out of this, if that's all 14:56:41

6 right. 14:56:44

7 A. I don't remember this meeting. 14:56:44

8 Q. Okay. So let me ask my question again. What 14:56:46

9 was the Ladar planning meeting about that's reflected 14:56:50

10 here in Exhibit 895? 14:56:54

11 MR. HUME: Objection. Beyond the scope. 14:56:56

12 A. I don't remember. It was likely about lidar 14:56:58

13 sim, but I don't recall. 14:57:00

14 Q. Why was Mr. Levandowski invited to this 14:57:02

15 meeting? 14:57:04

16 A. I don't remember. 14:57:06

17 Q. What did Mr. Levandowski contribute to this 14:57:07

18 meeting? 14:57:10

19 A. I don't remember. 14:57:11

20 MR. JAFFE: You can put that aside. 14:57:14

21 This will be 896. It's UBER65164. 14:57:23

22 (Whereupon, Deposition Exhibit 896 was marked 14:57:40

23 for identification.) 14:57:40

24 Q. Mr. Meyhofer, do you see I've marked as 14:57:48

25 Exhibit 896 a document that reflects a meeting invite 14:57:50

1 for December 21, 2016? 14:57:56

2 A. Uh-huh. I do see that. 14:58:00

3 Q. And the subject is, [REDACTED] [REDACTED]

4 [REDACTED] 14:58:05

5 A. Yes. 14:58:06

6 Q. What was this meeting about? 14:58:08

7 A. This meeting would be about -- [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] 14:58:26

11 Q. Including lidar? 14:58:28

12 A. Absolutely. 14:58:31

13 Q. So this was a meeting between Anthony

14 Levandowski, you, Travis Kalanick, and -- 14:58:36

15 A. [REDACTED] 14:58:42

16 Q. And another person, Mr. [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] 14:58:47

18 Q. You were discussing the [REDACTED] [REDACTED]

19 [REDACTED] 14:58:52

20 A. G. 14:58:56

21 Q. -- platform? 14:58:56

22 A. Yes. [REDACTED] the technical program manager. 14:58:57

23 [REDACTED] was vehicle programs manager. 14:59:00

24 Q. What information did Anthony Levandowski

25 contribute to this meeting regarding the sensor suite 14:59:08

1 for lidar? 14:59:10

2 A. None. 14:59:11

3 Q. "None"? 14:59:11

4 A. I would imagine none. [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] 14:59:19

7 Q. So you said, "None," and then you said, "I 14:59:24

8 would imagine none." 14:59:26

9 I just want to make clear: Do you remember 14:59:27

10 him providing none, or are you imaging that? 14:59:28

11 A. I'm not imagining it. There would be no 14:59:31

12 information for him to provide. That's not what this 14:59:34

13 discussion would be about. 14:59:37

14 Q. Okay. So for this meeting, you know that 14:59:37

15 Anthony Levandowski provided no information regarding 14:59:40

16 lidar. Is that correct? 14:59:45

17 A. That's not correct. 14:59:46

18 Q. That's not correct? 14:59:47

19 A. Given this -- this attendee list and our 14:59:49

20 topics of discussion, there would be no reason for him 14:59:52

21 to discuss lidar. 14:59:54

22 Q. Okay. So maybe I -- maybe I misspoke. 14:59:57

23 So my question is: For the meeting here, 14:59:59

24 this meeting, 896, you know that Anthony Levandowski 15:00:01

25 provided no information regarding lidar. Is that fair? 15:00:08

Page 191

25	A. Yes.	15:21:41
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1 Q. Let me just ask generally: What design 15:21:46
2 elements did Anthony Levandowski contribute regarding 15:21:50
3 lidar at Uber? 15:21:55

4 A. Design elements -- he doesn't run CAD. He 15:22:00
5 doesn't do detailed design work. 15:22:02

6 He -- I would -- I would describe it as 15:22:06
7 largely a -- the kind of coaching that keeps your eye 15:22:12
8 on the ball and meaning pay attention to milestones, 15:22:18
9 set milestones; they better be aggressive, keep the 15:22:25
10 team pushed, was sort of the way he operated. 15:22:34

11 But as far as lidar, like I said, as soon as 15:22:37
12 we acquired Otto, I took the lidar. Team, all of 15:22:40
13 hardware went to me. So Anthony's involvement was 15:22:44
14 typically indirect and not formal, if there was. 15:22:48

15 And then, with the [REDACTED] change, that was kind 15:22:53
16 of like the -- I would mark the clearest end of his -- 15:22:59
17 you know, it just became super obvious that he wasn't 15:23:05
18 going to be doing what -- he was a [REDACTED] fan, and I was 15:23:10
19 an [REDACTED] fan, and the team was a [REDACTED] fan. We had been 15:23:15
20 doing [REDACTED] work all this time. And then, you know, with 15:23:20
21 the Spider at [REDACTED] there was kind of like a conflict. 15:23:24
22 And it ended up that we went the direction that the 15:23:27
23 team and I thought was the right direction, and it just 15:23:30
24 kept minimizing his involvement. 15:23:34

25 And things got so busy. And as head of ATG, 15:23:35

1 it's really, really difficult to spend any detailed 15:23:39
2 design work on anything. 15:23:43
3 While we were away, I got an e-mail -- text 15:23:44
4 message from someone that I was invited to a meeting to 15:23:48
5 do some sort of interior design selection on the 15:23:51
6 Volvos. And another person said, I don't even know why 15:23:54
7 this has made it to you. 15:23:57
8 You know, it's not normal to be involved in 15:23:59
9 detail design work. As much as people love it and 15:24:01
10 engineers, at heart, love it, you have to -- kind of 15:24:05
11 have to give that up at that role. 15:24:08
12 MR. JAFFE: All right. I'm going to mark -- 15:24:15
13 I'm just going -- I think I'm just going to mark 15:24:16
14 these all together. Hopefully, this will go 15:24:19
15 quicker. It's UBER86445, 6, and 7. And we'll 15:24:19
16 mark it as -- 15:24:31
17 THE REPORTER: 897. 15:24:35
18 MR. JAFFE: -- Exhibit 897. 15:24:36
19 Thank you. 15:24:38
20 (Whereupon, Deposition Exhibit 897 was marked 15:24:38
21 for identification.) 15:24:38
22 Q. Mr. Meyhofer, do you see what I've marked as 15:25:24
23 Exhibit 897? 15:25:26
24 A. Yes, I do. 15:25:28
25 MR. HUME: All three pages? 15:25:29

Page 194

1 MR. JAFFE: Yes. 15:25:30

2 A. It's, I think, one conversation. Is that 15:25:30

3 right. 15:25:32

4 Q. That's my interpretation of it, and, 15:25:33

5 actually, I marked them together for that reason. 15:25:34

6 But you're one of the people on text message 15:25:38

7 thread. Right? 15:25:41

8 A. I'm, I think, the only person. Just Anthony 15:25:42

9 and me. 15:25:45

10 Q. Right. And so can you tell me: Is this one 15:25:46

11 conversation, the three texts I've marked as 15:25:49

12 Exhibit 897? 15:25:52

13 A. Oh, this isn't me and Anthony only. There's 15:25:53

14 another person. 15:25:56

15 Q. Who's the other person? 15:25:57

16 A. The [REDACTED] number. 15:26:01

17 If I had my phone, I could punch it in and 15:26:11

18 see. Would you like me to get it? 15:26:13

19 Q. Let's just talk about it really quickly, 15:26:15

20 which is, if you look at the one ending in page 445, 15:26:18

21 this unknown person says, [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] 15:26:25

23 Do you see that? 15:26:27

24 A. Yes, I do. 15:26:28

25 Q. The response, which is 86446, is [REDACTED] 15:26:30

1 A. [REDACTED] 15:26:35

2 Q. What does [REDACTED] refer to here, on 15:26:38

3 445? 15:26:39

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] 15:26:39

5 [REDACTED] [REDACTED] 15:26:39

6 [REDACTED] [REDACTED] 15:26:39

7 [REDACTED] [REDACTED] 15:26:48

8 A. Yes. 15:26:49

9 Q. So this is -- 15:26:50

10 A. Very, very likely. I would say, yes, lidar. 15:26:51

11 [REDACTED] [REDACTED] 15:26:51

12 [REDACTED] [REDACTED] 15:26:51

13 [REDACTED] [REDACTED] 15:27:01

14 Q. Okay. And Anthony responds, and it appears 15:27:02

15 he just responds to you. Is that right? 15:27:07

16 A. No. I don't -- 15:27:11

17 Q. Oh, I see the next person. Yeah. 15:27:15

18 A. Yeah. 15:27:16

19 [REDACTED] [REDACTED] 15:27:16

20 [REDACTED] [REDACTED] [REDACTED] 15:27:16

21 [REDACTED] [REDACTED] 15:27:16

22 [REDACTED] [REDACTED] 15:27:27

23 Q. As of November 4, 2016, what was that Anthony 15:27:29

24 Levandowski's position at Uber? 15:27:32

25 A. November 2, 2016, would be the head of ATG. 15:27:34

1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 15:27:45
4 A. He is making a design recommendation. I 15:27:47
5 don't know that it was implemented. 15:27:49
6 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] but -- 15:27:59
10 Q. That's how -- [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] as. 15:28:13
14 These are so far out of context it's hard to 15:28:16
15 kind of -- you know. 15:28:18
16 But yes, it is evidence that suggests his 15:28:20
17 work -- he's doing work on lidar. Correct. 15:28:22
18 Q. Okay. So what is the context for 15:28:25
19 Exhibit 897? 15:28:27
20 A. I don't remember this. But, you know, just 15:28:29
21 like I said earlier, I was just asked to be in a 15:28:30
22 seating configuration meeting. It was invite and a 15:28:33
23 text. I won't even go to the meeting, but it would be 15:28:35
24 construed as if I were making seating design decisions 15:28:39
25 in the car, though I'm not. 15:28:43

1 Q. For purposes of Exhibit 897, Anthony 15:28:44
2 Levandowski -- he responded with a [REDACTED] [REDACTED]
3 [REDACTED] 15:28:50
4 A. He did, yes. 15:28:51
5 Q. And the first text in this thread seems to 15:28:53
6 refer to [REDACTED] [REDACTED]
7 [REDACTED] Would you agree that's a 15:29:00
8 reasonable inference? 15:29:03
9 MR. HUME: Objection to the form. 15:29:04
10 A. Which one? This one? 15:29:05
11 Q. The one ending 445. 15:29:06
12 A. Yes. It does -- it does -- it does seem to 15:29:09
13 suggest that, yes. 15:29:22
14 Q. So Anthony Levandowski, as far -- as late as 15:29:28
15 November 4, 2016 was [REDACTED] [REDACTED]
16 [REDACTED] Is that 15:29:39
17 right? 15:29:43
18 MR. HUME: Objection to the form. 15:29:44
19 A. That is what he's doing here, yes. 15:29:47
20 MR. JAFFE: Okay. Let's mark as Exhibit 898 15:29:48
21 something labeled UBER76288. 15:29:54
22 (Whereupon, Deposition Exhibit 898 was marked 15:29:57
23 for identification.) 15:29:57
24 Q. Exhibit 898 is an e-mail from Anthony 15:30:12
25 Levandowski to you, dated February 5, 2017. 15:30:15

Page 198

1 Do you see that? 15:30:18

2 A. Uh-huh. 15:30:19

3 Q. At this point, February 5, 2017, what is 15:30:20

4 Anthony Levandowski's position at Uber? 15:30:24

5 A. Head of ATG -- yes, still head. Still head 15:30:30

6 at the time. 15:30:33

7 Q. And the e-mail says, [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED] 15:30:38

9 And the subject line is, [REDACTED] [REDACTED]

10 [REDACTED] 15:30:47

11 Do you see that? 15:30:49

12 A. I do. 15:30:49

13 Q. What is "[REDACTED]" 15:30:50

14 Mr. Levandowski's referring to here in Exhibit 898? 15:30:53

15 A. Do we have the screenshot? 15:30:58

16 Q. I do not have that. 15:31:00

17 A. I don't remember specifically about this 15:31:04

18 text, [REDACTED] [REDACTED]

19 [REDACTED] 15:31:08

20 Q. Why was Anthony Levandowski, the head of ATG, 15:31:13

21 texting you to [REDACTED] 15:31:17

22 A. So there's a screenshot, which means he 15:31:22

23 probably walked by someone's desk and saw something 15:31:25

24 that he saw as [REDACTED], took a shot of it and texted 15:31:27

25 it to me and said -- you know, maybe we had discussed 15:31:31

1 [REDACTED] [REDACTED]
2 [REDACTED] -- and asked 15:31:38
3 me where we are on it, try it out. 15:31:47
4 Q. This is another example of Anthony 15:31:51
5 Levandowski being involved in some of the day-to-day 15:31:53
6 engineering of the Fuji lidar. You agree with that. 15:31:56
7 Right? 15:32:00
8 MR. HUME: Object to form. Characterization. 15:32:01
9 A. I'm assuming that this has to do with Fuji. 15:32:06
10 I don't know. [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED] 15:32:24
17 Q. So this is -- so this is just -- well, let me 15:32:24
18 actually restate that then. 15:32:27
19 So is this another example of Anthony 15:32:30
20 Levandowski being involved in some of the day-to-day 15:32:32
21 engineering with regard to lidar at Uber? 15:32:35
22 A. That's fair to say. 15:32:37
23 Q. And this is in February 2017? 15:32:38
24 A. Correct. 15:32:40
25 Q. All right. Do you remember a debate within 15:32:41

Page 201

1 Q. Remember when we were talking, earlier, about 15:35:40
2 whether you had -- your awareness of the deal regarding 15:35:43
3 Otto? Do you recall that we talked about that earlier? 15:35:47
4 A. I do. Uh-huh. 15:35:54
5 Q. So what I'd like to look at in this 15:35:55
6 document -- well, first, did you end up hiring this 15:36:04
7 [REDACTED] person? 15:36:14
8 A. Yes. 15:36:17
9 Q. This is an e-mail thread describing her job 15:36:17
10 description, or his job description, in early 15:36:20
11 January 2016. Is that right? 15:36:23
12 A. Yes. 15:36:25
13 Q. And at some point, you write an e-mail to 15:36:26
14 [REDACTED] 15:36:31
15 On January 13, 2016, what was [REDACTED] 15:36:32
16 position at Uber? 15:36:35
17 A. January 13 -- 15:36:37
18 MR. HUME: I'm going to object as outside the 15:36:39
19 scope, this e-mail and line of questioning. 15:36:40
20 A. -- I think [REDACTED] is still head of ATC -- head 15:36:44
21 of ATC at this point. 15:36:47
22 Q. Okay. And here, on the bottom of the first 15:36:49
23 page, ending in 193, an e-mail from you, dated 15:36:51
24 January 13, 2016, you respond to [REDACTED] and you 15:36:55
25 say, [REDACTED] 15:36:59

1 [REDACTED] 15:37:02

2 Do you see that? 15:37:04

3 A. Uh-huh. 15:37:04

4 Q. What was the [REDACTED] you were 15:37:06

5 referring to here? 15:37:07

6 MR. HUME: Objection as outside the scope. 15:37:09

7 A. Ah, yes. So I was aware that [REDACTED] [REDACTED]

8 [REDACTED] were building a specification for a potential 15:37:22

9 laser supplier, and [REDACTED] would not disclose any 15:37:28

10 information about it. [REDACTED]. 15:37:32

11 Q. You're referring to [REDACTED] work with 15:37:36

12 what became Otto as his [REDACTED] 15:37:38

13 A. As it turns out, yes, that is what it is, 15:37:42

14 yeah. 15:37:44

15 Q. Okay. And then, after he says, no need to 15:37:45

16 wait, you then respond a little bit later -- in the 15:37:48

17 10:40 a.m. e-mail you say, [REDACTED] [REDACTED]

18 [REDACTED] 15:37:55

19 Do you see that? 15:37:58

20 A. Uh-huh. 15:37:59

21 Q. What did you mean by [REDACTED] 15:38:00

22 A. Right. This is the thing that [REDACTED] and -- 15:38:02

23 [REDACTED] was building a laser specification for [REDACTED] 15:38:05

24 I didn't know the specifics of it. And [REDACTED] is an 15:38:07

25 optics person. And I wasn't sure if we were going to 15:38:13

1 need to bring in more optics people or not based on 15:38:17
2 what [REDACTED] was doing. 15:38:22
3 Q. The laser deal that's referred to here, 15:38:23
4 that's referring to acquiring Otto. Right? 15:38:25
5 A. It is not. It is what it ends up being. But 15:38:28
6 to me, at that time when I wrote that, it was -- I 15:38:32
7 thought they were working with a supplier to acquire or 15:38:34
8 have them build a laser for us. 15:38:37
9 Q. I see. So the laser deal ended up being the 15:38:39
10 Otto acquisition? 15:38:44
11 MR. HUME: Objection to the form. Objection. 15:38:46
12 Outside the scope. 15:38:48
13 A. What I'm referring to here as the "laser 15:38:49
14 deal" was, in fact, the Otto acquisition. 15:38:51
15 Q. Okay. 15:38:57
16 A. But I didn't know that that's what it 15:39:00
17 actually was at the time. 15:39:04
18 Q. You didn't know that's what it was at the 15:39:12
19 time? 15:39:14
20 A. I didn't know it was Otto. I thought it was 15:39:15
21 the supplier arrangement [REDACTED] had been working on 15:39:17
22 with [REDACTED] That's how it was messaged to me. 15:39:20
23 Q. You didn't know that he was looking at 15:39:23
24 acquiring a lidar company? 15:39:25
25 A. No. 15:39:27

1 MR. HUME: Objection. Outside the scope. 15:39:27

2 A. No. 15:39:29

3 MR. JAFFE: So this is going to be Exhibit 15:39:30

4 900. 15:39:31

5 (Whereupon, Deposition Exhibit 900 was marked 15:39:32

6 for identification.) 15:39:32

7 Q. So this is an e-mail thread, on the same 15:39:48

8 thread about that Mr. [REDACTED] And do you see that there 15:39:50

9 is an e-mail in the middle from you, dated January 12, 15:39:53

10 2016? 15:39:57

11 Do you see that? 15:39:57

12 A. Uh-huh. 15:39:58

13 Q. And that's the day before you sent the e-mail 15:39:59

14 regarding [REDACTED] Right? 15:40:02

15 A. Uh-huh. I guess, yeah. Yes. 15:40:06

16 Q. And here, on January 12, you say, [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 15:40:17

19 Do you see that? 15:40:20

20 A. I do. 15:40:20

21 Q. You knew that Mr. [REDACTED] was looking at 15:40:23

22 acquiring a lidar company as of January 12? 15:40:25

23 A. Absolutely not. 15:40:29

24 Q. What does this refer to? 15:40:30

25 A. This would have been me speculating or 15:40:32

Page 205

1 guessing at why [REDACTED] was there. 15:40:33

2 [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] 15:40:48

7 Q. Why did you write, [REDACTED]

8 [REDACTED] 15:40:53

9 MR. HUME: Objection. Outside the scope of 15:40:55

10 the notice. This is all personal testimony. 15:40:57

11 A. This is what I was guessing he was doing. 15:40:59

12 [REDACTED] and I had our theories. 15:41:00

13 Q. Where does it say in this e-mail that you're 15:41:03

14 guessing? 15:41:05

15 A. It doesn't. 15:41:06

16 Q. And Mr. -- how do you pronounce that? 15:41:10

17 A. [REDACTED]

18 [REDACTED]

19 [REDACTED] 15:41:19

20 Q. He responds, [REDACTED]

21 [REDACTED]

22 [REDACTED] 15:41:25

23 Do you see that? 15:41:27

24 It's the first line. 15:41:32

25 A. Oh, yes. Sorry. 15:41:33

1 Q. That's referring to what became the Otto 15:41:35
2 acquisition. Right? 15:41:38
3 MR. HUME: Objection. Outside the scope. 15:41:39
4 A. I think so. 15:41:41
5 Q. And in your e-mail, you -- the "lidar company 15:41:42
6 acquisition," that's referring to the Otto acquisition. 15:41:47
7 Right? 15:41:49
8 A. As it turned out, yes. 15:41:52
9 MR. JAFFE: Okay. You can set that aside. 15:41:54
10 This will be Exhibit 901. It's UBER129455. 15:43:44
11 (Whereupon, Deposition Exhibit 901 was marked 15:43:51
12 for identification.) 15:43:51
13 Q. This is an e-mail from Mr. [REDACTED] to yourself 15:44:07
14 and Mr. [REDACTED] Is that right? 15:44:10
15 A. [REDACTED] 15:44:12
16 Q. [REDACTED] Excuse me. 15:44:13
17 A. Uh-huh -- no. This is -- oh, from [REDACTED] to 15:44:14
18 me and [REDACTED] Yeah. Sorry. 15:44:18
19 Q. This is memorializing a birdhouse lidar 15:44:21
20 discussion from September 19, 2016. Is that right? 15:44:24
21 A. Uh-huh. Looks to be, yes. 15:44:27
22 Q. And at this point, what is your role at Uber, 15:44:33
23 as of the date of this e-mail and this meeting? 15:44:35
24 A. Head of hardware. 15:44:40
25 Q. And what is Anthony Levandowski's role as of 15:44:44

Page 207

1	September 20, 2016?	15:44:47
2	A. Head of ATG.	15:44:48
3	Q. Okay. So -- and if you look at the first	15:44:49
4	bullet, it refers to "TK." Who does that refer to?	15:44:53
5	A. Travis Kalanick.	15:44:56
6	Q. So Mr. Kalanick was at this birdhouse lidar	15:44:57
7	discussion meeting?	15:45:01
8	A. He was always at birdhouse.	15:45:02
9	Q. And this is reflects that he was involved in	15:45:03
10	participating in a lidar discussion?	15:45:07
11	A. That's correct.	15:45:09
12	Q. I want to specifically look at the fifth	15:45:14
13	bullet.	15:45:20
14	Do you see that?	15:45:22
15	A. Uh-huh.	15:45:22
16	Q. It says, [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	15:45:28
18	A. Uh-huh.	15:45:29
19	Q. Do you see that?	15:45:29
20	A. Uh-huh.	15:45:30
21	Q. What does that refer to?	15:45:30
22	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	15:45:41

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

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Q. That's not what it means?

A. No. It means Uber.

A. That's --

MR. HUME: Objection to the form. You asked

him the question. He answered it. You don't like

15:46:27

15:46:28

15:46:29

15:46:36

15:46:37

15:46:38

15:46:39

Page 209

1 the answer. 15:46:41

2 A. If I say -- if I use the pronounce "I" in the 15:46:42

3 context of something Uber related, I don't actually 15:46:45

4 mean me. I mean Uber. 15:46:47

5 [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] 15:46:53

7 Q. So if you look a few bullets up, the second 15:46:57

8 bullet says, [REDACTED] 15:47:00

9 A. Uh-huh. 15:47:06

10 Q. So doesn't this indicate that, when Mr. [REDACTED] 15:47:06

11 was trying to write this e-mail, he knew how to specify 15:47:11

12 the company versus the person? 15:47:15

13 A. Otto is owned by Uber. 15:47:18

14 Q. Right. [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED] 15:47:31

19 Q. In the [REDACTED] here, that next 15:47:34

20 bullet -- 15:47:37

21 Do you see that? 15:47:41

22 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 15:47:49

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] 15:47:57
6 A. Yes. Yes. Yes. Yes. 15:47:57
7 Q. Do you see the information included in there? 15:47:59
8 A. Uh-huh. 15:48:03
9 Q. Did that come from Anthony? 15:48:03
10 A. These are [REDACTED]'s notes from the meeting. 15:48:05
11 And by "timing," he means schedule, like when things 15:48:08
12 could be done. 15:48:11
13 Q. So did this information from that meeting -- 15:48:16
14 did that come from Anthony Levandowski? 15:48:17
15 A. It's unlikely, but -- 15:48:22
16 Q. Who else would it have come from? 15:48:25
17 A. It would have come from someone else at the 15:48:27
18 meeting. There would be 15 people in these meetings. 15:48:29
19 But it could have come from Anthony. I can't 15:48:32
20 recall where that information came from. 15:48:34
21 Q. And the last bullet sales, [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] " 15:48:43
24 Do you see that? 15:48:45
25 A. Uh-huh. 15:48:45

1 Q. Why would Anthony Levandowski, the head of 15:48:46
2 ATG, want to see technical details regarding a lidar 15:48:48
3 product? 15:48:51
4 A. So this is likely about the [REDACTED] 15:48:51
5 And this was a point of, again, contention 15:48:57
6 between Anthony and myself, [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED] 15:49:09
9 I'm assuming that's what this is about. It 15:49:11
10 was a debate. 15:49:13
11 Q. I want to turn to topic number 3 in Waymo's 15:50:07
12 deposition notice. 15:50:16
13 A. Uh-huh. 15:50:17
14 Q. Actually, before we get there, am I correct, 15:50:25
15 for topic number 1, that you are not prepared today to 15:50:27
16 testify regarding Mr. Levandowski's involvement in the 15:50:30
17 development of lidar on behalf of Otto? 15:50:33
18 A. It depends on the question. 15:50:43
19 Q. Right. So my question is: On behalf of -- 15:50:45
20 are you prepared today to testify regarding Anthony 15:50:49
21 Levandowski's involvement in the development of lidar 15:50:52
22 at Otto before it was acquired by Uber? 15:50:55
23 A. No. 15:51:00
24 Q. All right. So now, let's go to topic 15:51:02
25 number 3. 15:51:06

1 follow-up? 16:56:08

2 MR. JAFFE: Yeah. I mean, that's what I had 16:56:10

3 said before. So that's fine, if you want to do it 16:56:13

4 that way. 16:56:15

5 MR. HUME: I'll be very brief. 16:56:18

6 EXAMINATION 16:56:19

7 BY MR. HUME: 16:56:20

8 Q. Mr. Meyhofer, topic 1 is Mr. Levandowski's 16:56:21

9 involvement in the development of lidar on behalf of 16:56:24

10 Uber or Ottomotto. 16:56:27

11 I believe counsel for Waymo asked you if you 16:56:29

12 recall reviewing any documents in preparing to testify 16:56:32

13 on that. 16:56:36

14 Do you recall being asked that, generally? 16:56:37

15 A. I do recall that. 16:56:42

16 Q. Do you recall now -- do you recall whether 16:56:43

17 you reviewed or brought any documents relating to this 16:56:44

18 topic to your deposition? 16:56:50

19 A. I did bring a document. 16:56:55

20 Q. What document did you bring? 16:57:05

21 A. It is an interrogatory. I don't know how to 16:57:06

22 read the numbers on these. It describes -- 16:57:13

23 Should I read it or should I share it, or 16:57:30

24 how -- what -- 16:57:32

25 Q. Can you describe what you brought and why you 16:57:34

1 brought it. 16:57:36

2 A. It discusses that Mr. Levandowski did not 16:57:42

3 provide beam spacing or angles for Spider but, again, 16:57:46

4 instead, asked Mr. [REDACTED] to provide the desired beam 16:57:49

5 pattern parameters, which were ultimately used. 16:57:54

6 Q. Can you tell -- can you say what you're 16:57:59

7 reading from? 16:58:01

8 A. I'm reading from page 4. 16:58:01

9 Q. Why did you bring that document? 16:58:18

10 A. It discusses the nature of the development of 16:58:27

11 our requirements and Anthony's involvement or lack of 16:58:31

12 involvement and demonstrates Boehmke's contributions. 16:58:35

13 Q. Have you reviewed pages 4 through 5 -- 16:58:45

14 sorry -- pages 3, 4, and 5 of this document? 16:58:52

15 A. Yes. 16:58:56

16 Q. Did you review them prior to the deposition? 16:58:58

17 A. Yes. 16:59:00

18 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] 16:59:26

24 Q. What does court interrogatory number 3 ask, 16:59:30

25 on page 3 of the document? 16:59:35

1 Q. Putting aside the document and aside from the 17:00:51
2 people you testified you spoke to prepare on topic 1, 17:00:56
3 do you have any personal knowledge, from your 17:01:00
4 experience at Uber working with Anthony Levandowski, 17:01:03
5 that is relevant to topic number 1, which is 17:01:05
6 Levandowski's involvement in the development of lidar? 17:01:10

7 A. I worked personally with Anthony very closely 17:01:13
8 for the entire tenure that he's had with Uber and had 17:01:15
9 first-hand understanding of his -- what his involvement 17:01:23
10 really was and wasn't and was directly responsible or 17:01:28
11 in charge for the lidar program. And any contributions 17:01:33
12 that he would have made of any significance would have 17:01:42
13 been brought to my attention because the team would 17:01:46
14 have suggested that they had a change. 17:01:48

15 Q. Based on that personal knowledge and the 17:01:52
16 other work you did to prepare on topic 1, what is your 17:01:54
17 basic description of Mr. Levandowski's involvement with 17:01:59
18 the development of lidar at Uber? 17:02:01

19 A. He was the person who drove urgency and kept 17:02:05
20 everyone working with a sense of purpose, and he was 17:02:16
21 the one that got people to work really hard at whatever 17:02:22
22 the deadline was and give their all, and he kept 17:02:29
23 them excited about what we were doing. 17:02:34

24 Q. On topic 3, which is the efforts Uber took to 17:02:43
25 ensure Mr. Levandowski didn't use any proprietary 17:02:47

1 information from someone else, I think Counsel, at the 17:02:51
2 end -- towards the end of that questioning asked you 17:02:55
3 if -- other than the diligence stuff that he asked you 17:02:58
4 about and other than asking Anthony not to, were you 17:03:05
5 aware of anything else. 17:03:10

6 Do you remember him asking a question along 17:03:11
7 those lines? 17:03:13

8 A. Yes, I do. 17:03:14

9 Q. And when counsel for Waymo used the 17:03:15
10 expression "other than asking Anthony not to use such 17:03:19
11 information," is it your understanding that Anthony was 17:03:24
12 asked not to use proprietary information or was told 17:03:27
13 not to use it? 17:03:32

14 MR. JAFFE: Object to form. Leading. 17:03:34

15 A. So Anthony was definitely told not to use it, 17:03:38
16 not to use any information from a previous employer. 17:03:42
17 And also, the team and I would have encountered this 17:03:47
18 information if he were using it. And we never 17:03:55
19 encountered any information, and it's simply not 17:03:58
20 believable. 17:04:05

21 Q. Why did you bring the contracts, his 17:04:08
22 employment contract and the confidentiality agreement, 17:04:10
23 on this topic? 17:04:12

24 A. To show that he complied and agreed and that 17:04:14
25 we discussed it in writing. 17:04:19

1	MR. HUME: I don't have any other questions.	17:04:25
2	MR. JAFFE: I'm just going to have some short	17:04:27
3	follow-up.	17:04:30
4	REEEXAMINATION	17:04:30
5	BY MR. JAFFE:	17:04:30
6	Q. Was the testimony that you gave before your	17:04:30
7	counsel just started asking you questions -- was it	17:04:33
8	true and accurate?	17:04:37
9	A. I believe so.	17:04:39
10	Q. You're not taking back any of your prior	17:04:41
11	testimony. Right?	17:04:43
12	A. I don't -- no. I don't -- I don't know --	17:04:49
13	no, I'm not.	17:04:52
14	Q. Did you discuss the subject matter of your	17:04:58
15	testimony before your counsel started questioning you,	17:05:01
16	after the deposition started?	17:05:04
17	A. No.	17:05:06
18	Q. I have one quick thing to do in follow up.	17:05:08
19	A. You mean while we were here today?	17:05:11
20	Q. Yeah.	17:05:14
21	A. No.	17:05:15
22	THE REPORTER: 903.	17:05:15
23	MR. JAFFE: 903. Thank you.	17:05:20
24	This is UBER76566.	17:05:23
25	- - -	17:05:24

1 (Whereupon, Deposition Exhibit 903 was marked 17:05:26
2 for identification.) 17:05:26
3 Q. I've marked a document as Exhibit 903 -- yes, 17:05:38
4 Exhibit 903. 17:05:41
5 Before we get to this document, what I'd like 17:05:43
6 to do is -- do you see the Bates number on the bottom 17:05:45
7 right-hand side -- 17:05:48
8 A. Yes. 17:05:48
9 Q. -- that says 76566? 17:05:49
10 A. Uh-huh. 17:05:52
11 Q. Can you look at the -- back at our old friend 17:05:53
12 the lidar log here, Exhibit 866 [sic], and in 17:05:56
13 particular, if you can go to [REDACTED] entry [REDACTED] on the 17:06:02
14 lidar log. 17:06:07
15 A. Yes. 17:06:13
16 Q. And do you see the "Bates number" column, 17:06:14
17 second column? 17:06:17
18 A. Yes. 17:06:23
19 Q. Can you confirm that what we've marked as 17:06:25
20 Exhibit 903 has the same Bates number as what's in row 17:06:27
21 549 under the lidar log? 17:06:33
22 A. Yes. 17:06:35
23 Q. So this reflects that the author of 17:06:36
24 Exhibit 903 is Anthony Levandowski? 17:06:38
25 A. That's right. 17:06:41

1 Q. And he sent this memo or document to a number 17:06:43
2 of people, including yourself? 17:06:47
3 A. Yes. 17:06:50
4 Q. And it's dated November 2, 2016, so at this 17:06:51
5 point Mr. Levandowski is the head of Uber ATG. Right? 17:06:56
6 A. I don't see the date, but -- 17:07:01
7 Q. As the date reflected on the lidar log 17:07:04
8 here -- 17:07:07
9 A. I'm sorry. Yes. Gotcha. Yes, it is. 17:07:07
10 Q. Okay. So I'd like you to turn to -- did I 17:07:11
11 hand you with the one with the circle on it? 17:07:17
12 A. Red, yeah. 17:07:20
13 Q. Okay. So maybe you can switch with -- so we 17:07:20
14 don't have the one with my handwriting. 17:07:23
15 You probably have a clue of what I'm going to 17:07:32
16 ask you about, which relates to the "Laser efforts 17:07:34
17 update" that's on the second page. 17:07:37
18 A. Yes. 17:07:39
19 Q. And do you see -- this is Mr. Levandowski 17:07:45
20 saying, [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 17:08:01
24 A. Uh-huh. 17:08:04
25 Q. Do you see that? 17:08:05

1 A. Uh-huh. Yes, I do. 17:08:06

2 Q. This is referring to going from Spider to 17:08:07

3 Fuji. Right? 17:08:09

4 A. Yes. 17:08:10

5 Q. And a couple sentences down he says, [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

11 Do you see that? 17:08:36

12 A. Uh-huh. 17:08:38

13 Q. What was Mr. Levandowski referring to when he 17:08:39

14 was talking about the lasers that he's built like this 17:08:42

15 before? 17:08:46

16 MR. HUME: Object to the form. 17:08:47

17 A. I don't know. 17:08:50

18 Q. This is Mr. Levandowski referring to Fuji as 17:08:58

19 a lidar like ones he's built before. Right? 17:09:02

20 MR. HUME: Object to the form. 17:09:07

21 Mischaracterizes the document. 17:09:08

22 A. It's not how I read it. It says "we," as in 17:09:10

23 the team. So some folks on the team have built lasers 17:09:14

24 like this before, presumably, you know, a [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] 09:22

1 Q. Are you aware of whether he and other folks 17:09:26
2 that are former Google employees have built 17:09:29
3 [REDACTED] 17:09:32
4 A. I wasn't aware that the Google laser was a 17:09:34
5 905 until this trial. 17:09:38
6 Q. So when you read this, you have no idea 17:09:40
7 whether it's referring to Google or not? 17:09:44
8 A. Oh, I would not have assumed for a second 17:09:47
9 that it is. I have no idea. 17:09:50
10 Q. So when Mr. Levandowski writes in this 17:09:53
11 document that [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 17:10:10
16 A. No, because we were pivoting because I 17:10:13
17 insisted that we pivot, not because we did. He wanted 17:10:15
18 to do [REDACTED] and I wanted to do [REDACTED] 17:10:18
19 And I have no knowledge of Waymo's laser, and 17:10:20
20 I wanted our team to build [REDACTED] because I felt that it 17:10:24
21 was the right part for us to do. 17:10:28
22 Q. And did you ever discuss with Mr. Levandowski 17:10:31
23 that -- whether he had built a laser like this before, 17:10:33
24 referring to a [REDACTED] 17:10:38
25 A. No, I didn't. 17:10:41

1 Q. Never came up? 17:10:43

2 A. No. 17:10:44

3 Q. When you received this document from 17:10:49

4 Mr. Levandowski in November 2016, did you ask him what 17:10:51

5 he meant when he said we built lasers like this before? 17:10:55

6 A. No. 17:10:58

7 MR. HUME: Object. Object to the form. 17:10:59

8 Mischaracterizes the document. 17:11:00

9 A. I did not ask him what he meant. 17:11:03

10 MR. JAFFE: Okay. We can put this aside. We 17:11:08

11 can take a quick break and switch to the personal. 17:11:11

12 THE VIDEOGRAPHER: Going off the record, the

13 time is 5:10 p.m.

14

15 (Time noted: 5:10 p.m.)

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CERTIFICATE

COMMONWEALTH OF PENNSYLVANIA)
)
)
COUNTY OF ALLEGHENY)

I, Rebecca L. Schnur, do hereby certify that before me, a Notary Public in and for the Commonwealth aforesaid, personally appeared ERIC MEYHOFER, who then was by me first duly cautioned and sworn to testify the truth, the whole truth, and nothing but the truth in the taking of his oral deposition in the cause aforesaid; that the testimony then given by him as above set forth was by me reduced to stenotype in the presence of said witness, and afterwards transcribed by means of computer-aided transcription.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified.

I do further certify that I am not a relative, counsel or attorney of either party or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my seal of office at Pittsburgh,
Pennsylvania, on this 21st of August, 2017.

Rebecca L. Schnur, RDR, Notary Public
In and for the Commonwealth of Pennsylvania
My Commission expires June 16, 2021.